



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: Kathryn H. Selle, AELR Committee Counsel
John J. Joyce, AELR Committee Counsel
Kathleen P. Kennedy, AELR Committee Counsel

Date: December 2, 2019

Re: **Synopses of Regulations received from 11/15/2019 through 12/1/2019**

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

Agriculture, Department of

Proposed Regulation

DLS Control No. 19-232

Department of Agriculture:

Plant Pest Control:

Regulation of Invasive Plants: COMAR 15.06.04.06

According to the department, the purpose of this action is to add two new plants to the Tier 2 invasive plant classification, and otherwise relating to invasive plants.

Natural Resources, Department of

Proposed Regulations

DLS Control No. 19-234

Department of Natural Resources:

Fisheries Service:

Fish: COMAR 08.02.05.02

Striped Bass: COMAR 08.02.15.01, .03, .08, .09, .10 and .12

Gear: COMAR 08.02.25.03

According to the department, the purpose of this action is to extend the rules for the recreational striped bass fishery regarding hooks, minimum sizes, and seasons that were in place only for 2018 and 2019, change the start of the spring (trophy) season, and prohibit catch and release of striped bass in March and April. The proposed action reorganizes certain sections of regulatory text so that the requirements are clear and do not occur in multiple chapters.

Maryland Department of Health

Proposed Regulation

DLS Control No. 19-230

Maryland Department of Health:

Adult Health:

Increased Supports for Working Individuals with Disabilities Program:

COMAR 10.12.06.01 through .10

According to the department, the purpose of this action is to outline the eligibility, covered health care services, and other components of the State-funded demonstration program, as required by Ch. 447, Acts of 2018. The demonstration program will provide health care services limited to private duty nursing services for a limited number of eligible individuals who are enrolled in Maryland Medical Assistance through the Employed Individuals with Disabilities program.

Labor, Maryland Department of

Proposed Regulation

DLS Control No. 19-237

Maryland Department of Labor:

Board of Professional Land Surveyors:

Educational Equivalency Requirements: COMAR 09.13.07.02 through .05

According to the department, the purpose of this action is to revise the regulations governing educational equivalency and general pre-licensing application requirements to provide for a more streamlined path to qualify as an examination applicant for a professional land surveyor's license.

Institute for Emergency Medical Services Systems, Maryland

Emergency Regulation

DLS Control No. 19-238

Maryland Institute for Emergency Medical Services Systems:

Commercial Ambulance Services:

Operational Requirements: COMAR 30.09.07.02

According to the institute, under Education Article, § 13-515, the Maryland Institute for EMS Systems (MIEMSS) is charged with licensing and regulating commercial ambulance services, which transport patients from one health care facility to another. There is a critical need to increase the number of drivers available to staff commercial ambulances. MIEMSS is aware of patient transfers being delayed upwards of six hours because of a lack of a driver that meets the existing requirement. The proposed amendment would lower the minimum certification level of the driver to that of Emergency Medical Responder (EMR).

The proposed amendment would have the effect of immediately easing staffing issues experienced by commercial ambulance companies that are having difficulty hiring sufficient numbers of personnel to drive their ambulances. The proposed amendment will also have the effect of increasing the availability of Basic Life Support commercial ambulances since Emergency Medical Technicians that had been serving as drivers will be available instead to provide patient care inside the ambulance. In addition, the proposed amendment will ease the burden on public safety ambulances that are often called upon to provide inter-facility patient transport when commercial ambulances are unable to respond in a timely manner.

Insurance Administration, Maryland

Proposed Regulation

DLS Control No. 19-233

Maryland Insurance Administration:

Life Insurance and Annuities:

Contracts on a Variable Basis: COMAR 31.09.04.03

According to the administration, the purpose of this action is to withdraw the amendments to Regulation .03 under COMAR 31.09.04 (Contracts on a Variable Basis) that were proposed in 46:2 Md. R. 82-83 (January 18, 2019) and repropounded in 46:13 Md. R. 604-605 (June 21, 2019). In addition, this action is proposing new amendments to Regulation .03. Specifically, these changes will: (1) alter all references from “agent” to “producer” in accordance with other COMAR regulations; (2) remove the reference to passing a written examination from Regulation .03A(2) because the passing of an examination is no longer required for a variable line of authority; (3) amend the language in Regulation .03A(1) to clarify that an insurance producer must hold a license and other authorizations required by either federal or state securities laws to sell variable annuity contracts; (c) amend the language in Regulation .03A(2) to clarify that an insurance producer must be licensed by the Insurance Commissioner and hold life and variable lines of authority in order to sell variable annuity contracts; (5) alter references from variable annuity “insurance” to variable annuity “contracts” to match the regulatory lead-in; (6) clarify the language of several portions of the regulation; and (7) alter the reporting requirements under Regulation .03B so that a producer must report all disciplinary actions or criminal prosecutions in accordance with §§ 10-126(f) and (g) of the Insurance Article.

Proposed Regulations

DLS Control No. 19-235

Maryland Insurance Administration:

Health Insurance – General:

Pharmacy Benefits Managers–Maximum Allowable Cost:

COMAR 31.10.46.01 through .05

Cost Pricing and Reimbursement other than MAC: COMAR 31.10.47.01 through .05

Filing of Contracts and Amendments: COMAR 31.10.48.01 through .05

According to the administration, the purpose of this action is to adopt new Regulations .01 through .05 under COMAR 31.10.46 (Pharmacy Benefits Managers - Maximum Allowable Cost), adopt new regulations .01 through .05 under COMAR 31.10.47 (Cost Pricing and Reimbursement other than MAC), and adopt regulations .01 through .05 under COMAR 31.10.48 (Filing of Contracts and Amendments). Chapter 400 of 2019 amended §§ 15-102.3, 15-1601, 15-1628, 15-1628.1, 15-1628.3, 15-1631, and 15-1642 of the Insurance Article. These changes require the Maryland Insurance Administration to promulgate regulations regarding Pharmacy Benefit Managers (PBM), their contracts with pharmacies, and the appeal process for pharmacies to use when there is a dispute over cost pricing between them and the PBMs. These regulations implement these legislative changes.

Lottery and Gaming Control Agency, Maryland State

Proposed Regulation

DLS Control No. 19-239

Maryland State Lottery and Gaming Control Agency:

Lottery Provisions:

Retailer Requirements: COMAR 36.02.03.11

According to the agency, the purpose of this action is to clarify that a retailer may not have an illegal gaming device or a slot machine on its premises and thus a retailer cannot offer any gaming activity except Lottery play. This proposed action also brings the structure of this regulation into compliance with the Style Manual for Maryland Regulations.

Public Service Commission

Proposed Regulation

DLS Control No. 19-236

Public Service Commission:

Service Supplied by Electric Companies:

Small Generator Interconnection Standards: COMAR 20.50.09.01 through .14

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

- clarify situations where the Maryland Public Service Commission has jurisdiction over interconnections on electric distribution facilities as opposed to PJM/FERC, and to require new interconnection requests in cases where a small generator changes its sales strategy from PJM markets to Maryland retail markets under COMAR 20.50.09.01;
- revise and add definitions under COMAR 20.50.09.02;
- allow electric utility companies the ability to only charge a small generator interconnection request processing fee for a Level 2, Level 3, or Level 4 interconnection request within the bounds described in §B of this regulation and specified in its Tariff under COMAR 20.50.09.05;
- require interconnection requests for energy storage devices to be evaluated based on net system capacity; clarify utility monitoring and control plan requirements that were implemented with COMAR changes effective October 8, 2018; clarify that queue position is prioritized based on the date the interconnection request is submitted; clarify where nameplate capacity is used in applicable conditional approval requirements; require smart inverters in Maryland effective January 1, 2022, and to establish hierarchy and goals of inverter setting profiles, including state-wide inverter setting profiles, and use of PJM

setting recommendations; allow energy storage devices to export power above approved capacity under certain conditions and; require utilities to establish hosting capacity analysis policies and hosting capacity reporting, including the codification of hosting capacity upgrade plan provisions under COMAR 20.50.09.06;

- make wording consistent with other regulation changes under COMAR 20.50.09.07;
- require utilities to report back to interconnection customers within 10 business days to verify PJM and FERC or Maryland Public Service Commission jurisdiction under COMAR 20.50.09.08;
- clarify and update terminology and requirements, and to clarify interconnection customer notification requirements and permission to operate notice requirements under COMAR 20.50.09.09;
- clarify and update terminology and requirements under COMAR 20.50.09.10 and COMAR 20.50.09.11;
- allow utility customization of interconnection feasibility, and impact and facilities study agreements under COMAR 20.50.09.12;
- make structure consistent with other regulation changes under COMAR 20.50.09.13; and
- add additional records retention and Maryland Public Service Commission reporting requirements related to all pertinent aspects of small generator facilities under COMAR 20.50.09.14.