



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 13, 2019

Re: **Synopses of Regulations received from 12/2/2019 through 12/12/2019**

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

Emergency Regulations

DLS Control No. 19-261

Board of Elections:

Early Voting:

Definitions; General Provisions: COMAR 33.17.01.02

Violations: Definitions; General Provisions: COMAR 33.19.01.01

According to the board, the proposed changes are needed in order to 1) hold early voting for the Special General Election for Maryland's 7th Congressional District which is being held concurrently with the 2020 Presidential Primary Election (April 28, 2020); and 2) allow same day registration for the Special Primary Election (February 4, 2020) and Special General Election (April 28, 2020) for the 7th Congressional District. With the recent enactment of Election Law Article, § 3-306, same day registration on election day is now available for special elections. The proposed changes require emergency status because they cannot be promulgated using the regular process in time for the special elections.

Agriculture, Department of

Proposed Regulation

DLS Control No. 19-287

Department of Agriculture:

Plant Pest Control:

Regulation of Noxious Weeds: COMAR 15.06.05.01 through .05

According to the department, the purpose of this action is to adopt new Regulations .01-.05 under a new chapter, COMAR 15.06.05 Regulation of Noxious Weeds. It establishes a list of plants and weeds that are considered to be noxious weeds in this State. It also describes programs or practices that the department may carry out that are necessary for the control and eradication of noxious weeds.

Department of Human Services

Proposed Regulation

DLS Control No. 19-286

Department of Human Services:

Social Services Administration:

Out-of-Home Placement Program: COMAR 07.02.11.12

According to the department, the purpose of this action is to amend 07.02.11.12 regarding Education for the Child in Out-Of-Home Placement in order for the Department of Human

Services to be in compliance with both amended state (HB0085) and federal laws(Every Student Succeeds Act (ESSA); Family First Prevention Services Act) which affect education for children in foster care.

Proposed Regulation

DLS Control No. 19-288

Department of Human Services:

Social Services Administration:

Child Protective Services - Investigation of Child Abuse and Neglect:

COMAR 07.02.07.01 through .24

According to the department, the purpose of this action is to alter the definition of child abuse to include sex trafficking and identifying that sex trafficking can be by any individual. Justification: Changes were made to Family Law (85-701 (x) and (y) this past legislative session regarding sex trafficking as a result of federal requirements authorized in the Trafficking Victims Protection Act of 2000. The definition of sex abuse was expanded to include sex trafficking of a child by any individual. There is no longer a requirement for a caregiver to be identified in a sex trafficking investigation. See SB 308/Chapter 151, Acts of 2017

Natural Resources, Department of

Proposed Regulation

DLS Control No. 19-240

Department of Natural Resources:

Fisheries Service:

General: COMAR 08.02.01.16

According to the department, the purpose of this action is to remove the requirement that an individual submit an application for an out-of-state finfish supplier permit at least 45 days in advance of needing the permit. A person will still have to complete an application prior to supplying finfish to someone in Maryland, but the proposed action removes the specific timeframe. Due to the implementation of an electronic application process, the requirement is no longer necessary. Department staff are now able to issue a permit within days after receiving an application, provided that all the required supporting documentation is supplied with the application. This change will simplify the process for out-of-state suppliers and Maryland constituents that have submitted pond stocking permit requests and will provide flexibility for new suppliers to quickly enter the market.

Proposed Regulation

DLS Control No. 19-243

Department of Natural Resources:

Fisheries Service:

Horseshoe Crabs: COMAR 08.02.10.01

According to the department, the purpose of this action is to remove the requirement to print the trip limits on horseshoe crab permits. Currently, regulation requires the daily catch limit to be printed on the horseshoe crab landing permit. The department has concluded that this requirement is no longer necessary for management or enforcement. Harvesters will still be required to have their permit in possession, but after this change, they will only receive one permit per season. This change will allow the department to do in-season changes to manage the quota without reissuing a permit each time. It will also reduce confusion and expenses when managing the fishery to maximize the available quota.

Proposed Regulation

DLS Control No. 19-250

Department of Natural Resources:

Fisheries Service:

Fish: COMAR 08.02.05.21

According to the department, the purpose of this action is to update requirements for gear used to catch black sea bass. The proposed action updates the thresholds that require a certain mesh size in a trawl. The proposed action adds a requirement for an additional escape vent and the size of the panel to ensure Maryland's compliance with the fishery management plan.

Proposed Regulation

DLS Control No. 19-257

Department of Natural Resources:

Wildlife:

Wildlife Damage Control Permits: COMAR 08.03.15.03

According to the department, the purpose of this action is to amend Regulation .03 under COMAR 08.03.15 Wildlife Damage Control Permits to allow a landowner experiencing problems with migratory birds to address the problem solely under the authority of a federal depredation permit issued by the U.S. Fish and Wildlife Service. Existing state regulation requires a landowner to obtain a landowner wildlife damage control permit from the department in order to address damage or loss caused by wildlife. In the case of migratory birds, a federal depredation permit issued by the U.S. Fish and Wildlife Service is required, as well. The department currently meets its regulatory obligation by cosigning federal depredation permits issued by the U.S. Fish and Wildlife Service. However, the U.S. Fish and Wildlife Service recently announced that it is discontinuing the cosigning practice. Rather than requiring a landowner to redundantly obtain both a permit from the department and the U.S. Fish and Wildlife Service, the department is proposing to require only a federal depredation permit.

Proposed Regulation

DLS Control No. 19-258

Department of Natural Resources:

Energy and Coastal Zone Administration:

Pollinator-Friendly Designation of Solar Generation Facilities:

COMAR 08.13.02.01 through .04

According to the department, the purpose of this action is to enable the department to certify photovoltaic ground-mounted solar facilities greater than one acre as pollinator-friendly. The proposed action effectuates the requirements of Chapter 372 of 2017 as informed by the Power Plant Research Program's Pollinator Work Group.

Proposed Regulation

DLS Control No. 19-262

Department of Natural Resources:

Fisheries Service:

Oysters: COMAR 08.02.04.17

According to the department, the purpose of this action is to incorporate by reference Public Shellfish Fishery Areas of the Chesapeake Bay and Its Tidal Tributaries (November 2019). This document designates each public shellfish fishery area (PSFA) located in the Chesapeake Bay and its tidal tributaries. The proposed action: 1) makes a correction to PSFA 119; and 2) declassifies portions of four PSFAs to allow for shellfish aquaculture.

Proposed Regulation

DLS Control No. 19-263

Department of Natural Resources:

Fisheries Service:

General: COMAR 08.02.01.07

According to the department, the purpose of this action is to allow guides fishing in the tidal waters of Maryland who are licensed in accordance with Natural Resources Article, §§ 4-210 and 4-210.1, Annotated Code of Maryland to buy the charter boat license decal.

Proposed Regulations

DLS Control No. 19-264

Department of Natural Resources:

Fisheries Service:

Yellow Perch: COMAR 08.02.21.03

Gear: COMAR 08.02.25.09

According to the department, the purpose of this action is to require individuals to remove fyke net poles from the water within 30 days after removing the net. Fyke nets are very similar to pound nets and the department would like to standardize the rules across similar gear types. If

poles are not removed from the water in a timely fashion, they may become navigational hazards to other users of the waterway.

Additional rules for fyke nets are located in the yellow perch chapter of the Code of Maryland Regulations (COMAR), however, those rules apply to the use of all fyke nets, not just those used for yellow perch. The proposed action creates a new regulation in the gear chapter of COMAR, relocates the areas where fyke nets are prohibited, and requires individuals to remove poles from the water within 30 days after removing the net. This action will allow anyone who uses a fyke net to find the rules in one location.

Proposed Regulations

DLS Control No. 19-289

Department of Natural Resources:

Fisheries Service:

Fishing Licenses – Point Assignment, License Revocation and Suspension Schedule and Criteria, and Hearing Procedure: COMAR 08.02.13.03, .05, .08, and .10

According to the department, the purpose of this action is to update the commercial, recreational, charter, and seafood dealer license suspension and revocation schedules. This update will better deter potential violators from committing illegal acts, protect the State's fisheries resources, and update certain references to statute and regulation. Prior to considering changes or updates to the penalty regulations under COMAR 08.02.13, the department consults with the Joint Penalty Workgroup of the Tidal and Sport Fisheries Advisory Commissions.

Proposed Regulation

DLS Control No. 19-294

Department of Natural Resources:

Fisheries Service:

General: COMAR 08.02.01.12

According to the department, the purpose of this action is to add certain areas that meet the criteria under Natural Resources Article, § 4-1006.1, Annotated Code of Maryland as Submerged Aquatic Vegetation (SAV) Protection Zones and remove certain areas that no longer meet the criteria to remain as SAV Protection Zones. NR § 4-1006.1 requires the department to create SAV protection zones and update those zones every three years using data from an annual aerial survey compiled by the Virginia Institute of Marine Sciences (VIMS) for the annual Bay-wide Submerged Aquatic Vegetation Mapping Program.

Environment, Department of the

Proposed Regulations

DLS Control No. 19-242

Department of the Environment:

Water Pollution:

General: COMAR 26.08.01.01

Permits: COMAR 26.08.04.01

According to the department, the purpose of this action is to amend existing regulations for the use of reclaimed water for uses with high potential for public exposure and to create a new treatment standard, Class IV, to apply to such uses with public health protection. This Action will also incorporate by reference a document titled, "Guidelines for the Use of Class IV Reclaimed Waters: High Potential for Human Contact. MDE-WSA-001-11/19." The action is re-proposed at this time to address comments from stakeholders, consultants and regulators. Benefits of this action will be to:

- ensure sustainable water by expanding reuse of what has traditionally been wastewater to productive and beneficial uses while protecting public health and environment;
- ensure the resiliency of water supplies to events like drought and saltwater intrusion which are expected to become more severe with a changing climate;
- expand water reuse for irrigation of food crops to help offset projected increased water demands from agricultural irrigation and human consumption while fostering economic development and conserving natural water supplies; and,
- establish an advanced level of protective treatment criteria and system operational procedures safe for activities where public access occurs. Finally, use of Class IV reclaimed water will reduce nutrient discharges to surface waters and help Maryland to achieve its water quality and Chesapeake Bay restoration goals.

Transportation, Department of

Proposed Regulations

DLS Control No. 19-278

Department of Transportation:

Motor Vehicle Administration – Vehicle Registration:

Apportioned Registration of Fleet Vehicles: COMAR 11.15.22.05, .12, and .14

According to the department, the purpose of this action is to conform to the first phase of the Maryland Department of Transportation (MDOT) Motor Vehicle Administration's (MVA's) system modernization.

Criminal Sentencing Policy, Commission on

Proposed Regulations

DLS Control No. 19-284

Independent Agencies:

Commission on Criminal Sentencing Policy:

Criminal Offenses and Seriousness Categories:

COMAR 14.22.02.01 and COMAR 14.22.02.02

According to the commission, the purpose of this action is to indicate modifications to the offense headings and the table of seriousness categories (guidelines offense table) in Regulations .01 and .02 under COMAR 14.22.02 Criminal Offenses and Seriousness Categories. The proposed revisions reflect one new offense from the 2019 Legislative Session, the addition of CJIS codes for a number of offenses, and minor edits to the table.

Proposed Regulations

DLS Control No. 19-248

Independent Agencies:

Interagency Commission on School Construction:

Administration of the Public School Construction Program:

COMAR 14.39.02.05 and .06

Public School Facilities Educational Sufficiency Standards: COMAR 14.39.07.02

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

- clarify the State Cost Share formula elements based upon changes to §1-101 of the Economic Development Article;
- update references to the Maximum Gross Area Allowances to instead reference Gross Area Baselines as adopted by the Interagency Commission on School Construction; and
- clarify that the Facilities Educational Sufficiency Standards are for assessment purposes only, not requirements for school facility design or construction.

Maryland Department of Health

Proposed Regulation

DLS Control No. 19-249

Maryland Department of Health:

Board of Physical Therapy Examiners:

Dry Needling: COMAR 10.38.12.03

According to the department, the purpose of this action is to allow physical therapists trained in dry needling while in active military service to practice in Maryland.

Proposed Regulations

DLS Control No. 19-251

Maryland Department of Health: Procedures:

Fair Hearing Appeals Under the Maryland State Medical Assistance Program:

COMAR 10.01.04.01

Medical Care Programs: Establishment, Operation, and Authority for Making Capitated Payments for Dual Eligibles Enrolled in Medicare Advantage Plans:

COMAR 10.09.78.01 through .11

Maryland HealthChoice Program: Managed Care Organizations:

COMAR 10.67.04.15, .25, and .27

Non-Capitated Covered Services: COMAR 10.67.08.03

MCO Dispute Resolution Procedures: COMAR 10.67.09.03

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

- update obsolete references and definitions;
- correct the due dates of MCO reports to coincide with current policy;
- remove HIV drugs from the list of non-capitated covered services;
- clarify the timeframes for resolving provider complaints and enrollee appeals; and
- repeal an obsolete chapter of regulations.

Proposed Regulation

DLS Control No. 19-252

Maryland Department of Health:

Cancer Control:

Professional and Volunteer Firefighter Innovative Cancer:

COMAR 10.14.08.01 through .08

According to the department, the purpose of this action is to adopt regulations for the Professional and Volunteer Firefighter Innovative Cancer Screening Technologies Program, which was established by Chapter 219 of the Acts of 2019 (SB 727) to provide grants to fire departments to procure innovative cancer screening tests to reduce cancer mortality among professional and volunteer firefighters.

Proposed Regulation

DLS Control No. 19-253

Maryland Department of Health:

Human Immunodeficiency Virus (HIV) Infection and Acquired Immunodeficiency Syndrome (AIDS):

AIDS Investigations and Case Reporting: COMAR 10.18.03.01 through .05

According to the department, the purpose of this action is to repeal the chapter regarding AIDS investigations and Reporting in its entirety because the provisions of the chapter have been incorporated into COMAR 10.18.02 HIV and CD4+ Investigations and Case Reporting.

Proposed Regulation

DLS Control No. 19-254

Maryland Department of Health:

Preventive Medicine:

High Blood Pressure Control Services: COMAR 10.52.02.01

According to the department, the purpose of this action is to repeal the chapter regarding high blood pressure control services in its entirety because the statutory authority for the chapter was repealed by Chapter 40 of the Acts of 2017 (SB 38) - Department of Health and Mental Hygiene - Updating Advisory Boards and Councils.

Proposed Regulation

DLS Control No. 19-255

Maryland Department of Health:

Preventive Medicine:

Pertussis and Pertussis Vaccine: COMAR 10.52.05.01 through .05

According to the department, the purpose of this action is to repeal the chapter regarding pertussis and the pertussis vaccine in its entirety. As a result of a Regulatory Review and Evaluation Act (RREA) review of the chapter, the department found that these regulations are no longer necessary due to whole cell DTP being discontinued and replaced with DTaP/Tdap and general requirements to report adverse reactions to vaccines, including those related to pertussis, currently in place.

Proposed Regulations

DLS Control No. 19-256

Maryland Department of Health:

Freestanding Ambulatory Care Facilities:

Freestanding Birthing Centers: COMAR 10.05.02.01, .03, and .05 through .13

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

- update and clarify the certification authority for “certified nurse midwives”;
- change the definition of a newborn to mean an infant in the first 28 days of life;
- update the title of the Director of a Freestanding Birthing Center to be a “Clinical Director”;
- update personnel qualifications by allowing certified nurse midwives to become clinical directors and permitting an individual to be both a clinical director and a director of midwifery services;
- update the requirements for the staff attending each birth by permitting direct entry midwives to attend each birth;
- update references to "protocols" to say “clinical practice guidelines”;
- update provider client referral requirements;
- change the language regarding emergency transfers to language specifying the requirements for procedures regarding the transfer of patients to hospitals;
- update the requirements for Quality Assurance Programs by requiring freestanding birthing centers to conduct a quarterly review of all patients transferred to an emergency department or hospital; and
- update the requirements for equipment by deleting the word “incubator” and substituting the word “isolette.”

Proposed Regulations

DLS Control No. 19-265

Maryland Department of Health:

Hospitals:

Comprehensive Care Facilities and Extended Care Facilities:

COMAR 10.07.02.01-.03, .33, and .40

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

- update the incorporations by reference in 10.07.02 to reflect the most current industry guidelines;
- update the licensing language in 10.07.02.03;
- update the name of the agency referred to in 10.07.02.01 and 10.07.02.33 from Office of Infectious Disease Epidemiology and Outbreak Response to Infection Disease Epidemiology and Outbreak Response Bureau;
- clarify references within the nursing home regulations; and
- remove duplicative language in 10.07.02.40.

Proposed Regulation

DLS Control No. 19-266

Maryland Department of Health:

Board of Podiatric Medical Examiners:

Licensing and Continuing Education Requirements: COMAR 10.40.02.07

According to the department, the purpose of this action is to remove an obsolete requirement for reinstatement of a practitioner.

Proposed Regulations

DLS Control No. 19-267

Maryland Department of Health:

Special Supplemental Nutrition Program for Women, Infants, and Children (WIC):

Eligibility, Participation, and Benefits: COMAR 10.54.01.02, .04-.20, and .22

Local Agency: COMAR 10.54.02.02, .04-.09, .10-.11, .14, and .17-.18

According to the department, the purpose of this action is to update certification periods from six months to one year, to change the term “check” to “food instrument,” a term that includes EBT cards, and to add one year certification options for eligible infants, children, and breastfeeding women. These chapters were reviewed as part of the Regulatory Review and Evaluation Act (RREA) process.

Proposed Regulations

DLS Control No. 19-268

Maryland Department of Health:

Alcohol and Drug Abuse Administration:

Prescription Drug Monitoring Program: COMAR 10.47.07.02, .04, and .05

According to the department, the purpose of this action is to enable the Maryland Prescription Drug Monitoring Program (PDMP) to implement recent expansion of the requirements and authorities of the PDMP to support the safe and effective use of controlled

dangerous substance prescription in Maryland. These guidelines are being promulgated in accordance with HB 025, Chapter 531, Public Health – Prescription Drug Monitoring Program – Revisions, 2019 and HB 466, Chapter 364, Prescription Drug Monitoring Program – Program Evaluation, 2019.

Proposed Regulations

DLS Control No. 19-269

Maryland Department of Health:

Medical Care Programs:

Home and Community-Based Services Waiver for Individuals with Brain Injury:

COMAR 10.09.46.01, .03-.05, and .07-.12

According to the department, the purpose of this action is to update Home and Community-Based Waiver for Individuals with Brain Injury regulations to align with approved waiver application and ensure regulations reflect approved methods and language. Specifically, the proposed action updates the formal name of the operating state agency and the accrediting entity and their associated acronyms where they appear in regulations, removes the word ‘traumatic’ from the required diagnosis of a brain injury, amends the service definition of Individual Supports Services, and changes the billable increment for Individual Supports Services from one hour to 15 minutes.

Proposed Regulations

DLS Control No. 19-270

Maryland Department of Health:

Medical Care Programs:

Home and Community-Based Services Waiver for Children with Autism Spectrum

Disorder: COMAR 10.09.56.01-.03, .11, and .21

According to the department, the purpose of this action is to update regulations governing the Home and Community-Based Services Waiver for Children with Autism Spectrum Disorder to align with the CMS-approved waiver conditions. Specifically, the proposed action clarifies requirements for participant eligibility, plans of care, and determining residential habitation intensity levels. Additionally, it updates the range of therapeutic integration service hours for which the program may reimburse.

Proposed Regulations

DLS Control No. 19-271

Maryland Department of Health:

Medical Care Programs:

Medical Day Care Services: COMAR 10.09.07.03, .05, and .08

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

- clarify medical day care provider requirements for the care planning process;

- change instances of the term “physician” to “primary care providers”; and
- update the medical day care service per diem rate in accordance with the Fiscal Year (FY) 2020 State budget.

Proposed Regulations

DLS Control No. 19-272

Maryland Department of Health:

Laboratories:

Biological Agents Registry Program:

COMAR 10.10.11.03-.04, .07, .09-.14, .17, and .21-.22

According to the department, the purpose of this action is to amend COMAR 10.10.11 to require persons to notify local Health Officers regarding incidents involving possible human exposure to biological agents (as set forth in Title 42, Part 73; Title 7, Part 331; and Title 9, Part 121). The department also proposes to revise and add definitions to COMAR 10.10.11 to clarify terms and procedures and update the methods and/or processes used to exchange biological agents registry (BAR) information with local jurisdictions, the Maryland Emergency Management Agency, the BAR Program, the Department, the Maryland Institute for Emergency Medical Services Systems, the Maryland Department of the Environment, and persons registered in the BAR program.

Proposed Regulations

DLS Control No. 19-273

Maryland Department of Health:

Natalie Laprade Medical Cannabis Commission: Definitions: COMAR 10.62.01.01

Certifying Physicians: COMAR 10.62.03.01 and .03

Patient and Caregiver Identification Cards: COMAR 10.62.06.01

Medical Cannabis Grower License: COMAR 10.62.08.02, .08, .12, and .13

Medical Cannabis Grower Premises: COMAR 10.62.10.07 and .08

Inventory Control by Grower: COMAR 10.62.12.02 and .09

Medical Cannabis Grower Quality Control: COMAR 10.62.15.05

Shipment of Products Between Licensees: COMAR 10.62.18.05

Medical Cannabis Processor License: COMAR 10.62.19.02, .07, .10, and .11

Medical Cannabis Processor Premises: COMAR 10.62.21.06 and .07

Medical Cannabis Processor Operations: COMAR 10.62.22.02, .03, and .07

Medical Cannabis Dispensary License: COMAR 10.62.25.02, .08, .11, and .12

Licensed Dispensary Premises: COMAR 10.62.27.07 and .09

Licensed Dispensary Operations: COMAR 10.62.28.02, .03, .05, and .06

Dispensing Medical Cannabis: COMAR 10.62.30.03, .04, .06, and .10

Licensed Dispensary Clinical Director: COMAR 10.62.31.01

Inspection: COMAR 10.62.33.04, .06, and .08

Discipline and Enforcement: COMAR 10.62.34.04 and .06

Fee Schedule: COMAR 10.62.35.01

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

- waive the fee for patient identification cards for qualifying medical cannabis patients;
- update ownership and control provisions to be consistent with new statutory requirements on ownership of a medical cannabis license;
- alter the transfer of ownership interest fee in a grower, processor, or dispensary license for transfers involving an individual transferee (\$500 per person instead of the current \$7,000 fee);
- update the inspection and enforcement provisions pertaining to the Maryland Medical Cannabis Program;
- replace the term “certifying physician” with “certifying provider” in conformity with statute;
- amend an existing regulation to make it mandatory for licensed dispensaries to appoint a clinical director; and
- amend the definition of “medical cannabis” to exempt legal hemp (e.g. cultivated with a state or federal license) from the definition of medical cannabis.

Proposed Regulations

DLS Control No. 19-274

Maryland Department of Health:

Sanitation:

Public Swimming Pools and Spas:

COMAR 10.17.01.05 through 11, .25, .28, .43, and .55

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

- simplify the permitting requirements for construction, alteration, repair, and replacement of parts for pools and spas;
- reduce the frequency of inspections for pools and spas with a demonstrated history of compliance;
- clarify and add specificity to the conditions which may warrant the suspension of an operating permit;
- add a mechanism by which the department can ensure regulations are implemented and enforced consistently across the State; and

- make general corrections and revisions to clarify the regulatory requirements of pools and spas.

Proposed Regulation

DLS Control No. 19-275

Maryland Department of Health:

Preventive Medicine:

Use of Tanning Devices by Minors: COMAR 10.52.06.02 through .12

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

- align regulations with statute by repealing language regarding parental consent forms as set forth under chapters 440 and 441, Acts of 2019;
- repeal requirements for maintaining records for each minor customer;
- require the posting of a notice; and
- add penalties for failure to post the notice.

Proposed Regulations

DLS Control No. 19-276

Maryland Department of Health:

Food:

Food Service Facilities:

COMAR 10.15.03.02, .06, .09, .11, .15, .24 through .28, .30, and .40

According to the department, the purpose of this action is to conform regulations to changes made to food safety laws by legislation passed during the 2018 and 2019 General Assembly sessions (338-339 and Chapters 491 of the Acts of 2018 and Chapters 230 and 370-371 of the Acts of 2019). The proposed action:

- amends definitions related to cottage foods, micro markets, excluded organizations, and temporary food service facilities;
- makes several corrections, clarifications, and deletions of obsolete text;
- promulgates a new regulation related to the requirements of micro markets.
- adds new methods for the sale of cottage foods;
- conforms storage temperature requirements for crab meat to COMAR 10.15.02;

- specifies food disposal or reconditioning procedures;
- modifies the requirements for a base of operations for mobile food service facilities; and
- clarifies thawing procedures for potentially hazardous foods.

Proposed Regulations

DLS Control No. 19-277

Maryland Department of Health:

Human Immunodeficiency Virus (HIV) Infection and Acquired Immunodeficiency Syndrome (AIDS):

HIV and CD4+ Investigations and Case Reporting:

COMAR 10.18.02.01-.03, and .06-.09

According to the department, the purpose of this action is to amend the chapter regarding HIV and CD4+ investigations and reporting. These changes are the result of a Regulatory Review and Evaluation Act (RREA) review of the chapter, where the department found that these regulations require:

- clarifications about which tests shall be reported to the Department for HIV surveillance activities; and
- updates to be consistent with technology developed since the adoption of the regulations in 2002.

Proposed Regulation

DLS Control No. 19-279

Maryland Department of Health:

Diseases:

Communicable Diseases and Related Conditions of Public Health Importance:

COMAR 10.06.01.01 through .24

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

- make necessary updates to disease control measures;
- standardize language and formatting;
- align record maintenance and confidentiality language with statute; and
- update and add incorporated by reference documents.

Proposed Regulations

DLS Control No. 19-295

Maryland Department of Health:

Special Supplemental Nutrition Program for Women, Infants, and Children (WIC):

Retail Food and Pharmacy Vendors: COMAR 10.54.03.03-.04, .07, .09-.16, and .18

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

- align regulations with federally-mandated vendor requirements and current practice;
- standardize language and formatting; and
- update language to account for the implementation of the eWIC benefits system.

Labor, Maryland Department of

Proposed Regulation

DLS Control No. 19-241

Maryland Department of Labor:

Board of Public Accountancy:

Examinations: COMAR 09.24.05.04

According to the department, the purpose of this action is to address the impact of the anticipated changes in the administration of the Uniform CPA Examination on the ability of candidates to retake failed examination sections. Currently, the Uniform CPA Examination is offered in quarterly administration windows. A candidate who fails an examination section may not retake that section in the same administration window. Based on the latest information available, on or before June 20, 2020, the Uniform CPA Examination will eliminate administration windows, and be given on a continuous basis. This change will allow candidates to retake failed examination sections as soon as the grade for the section is released.

Proposed Regulation

DLS Control No. 19-245

Maryland Department of Labor:

Commissioner of Financial Regulation:

Credit and Other Regulation: COMAR 09.03.10.04

According to the department, the purpose of this action is to clarify the types of loans that are subject to § 11-219 of the Financial Institutions Article, which, according to the department, constitutes a step towards the modernization of Maryland's consumer credit licensing structure. The proposed regulation is intended to provide certainty for the industry and the Commissioner by eliminating the basis for the current practice of licensees seeking, and the Commissioner issuing, duplicative licenses that arises under the current rules.

Proposed Regulations

DLS Control No. 19-247

Maryland Department of Labor:

Commissioner of Financial Regulation:

Credit Reporting Agencies: COMAR 09.03.07.01-.04 and .08

According to the department, the purpose of this action is to generally enhance consumer rights and protections, update the consumer credit reporting agency regulations to better reflect existing market practices and conditions, and improve the channels of information exchange between the Commissioner and consumer credit reporting agencies, and specifically to ensure accuracy in the information that consumer credit reporting agencies collect, efficiency in the systems that consumer credit reporting agencies use for maintaining consumer information and responsiveness to consumer complaints, transition consumer credit reporting agencies' registration to NMLS, and establish bond requirements and standards.

Proposed Regulations

DLS Control No. 19-259

Maryland Department of Labor:

Division of Labor and Industry:

Elevator, Escalator, and Chairlift Safety: COMAR 09.12.81.01-1, .04-1, .07, and .08

According to the department, the purpose of this action is to amend existing regulations regarding elevator inspections to align with the requirements of Chapter 337 of the Acts of 2018, which eliminated pre-final inspections, requires the physical presence of the inspector during testing, and allows third-party qualified elevator inspectors to perform five year comprehensive inspections. The proposed action also clarifies existing regulatory language to provide that a third-party qualified elevator inspector may be suspended for up to 120 days and eliminates reference to an inspection guide that is no longer incorporated by reference.

Proposed Regulation

DLS Control No. 19-285

Maryland Department of Labor:

Division of Labor and Industry:

Maryland Rehabilitation Code Regulations: COMAR 09.12.58.03

According to the department, the purpose of this action is to remove duplicative definitions in regulations that reside in statute and update existing incorporated by reference standards to the first edition of the 2018 edition of the International Existing Building Code.

Higher Education Commission, Maryland

Proposed Regulation

DLS Control No. 19-290

Maryland Higher Education Commission:

Financial Aid:

Howard P. Rawlings Educational Excellence Awards: COMAR 13B.08.10.02

According to the commission, the purpose of this action is to add a definition for “college preparatory program” under COMAR 13B.08.10.02 as it relates to requirements for the Delegate Howard P. Rawlings Educational Excellence Awards Program.

Proposed Regulation

DLS Control No. 19-291

Maryland Higher Education Commission:

Financial Aid:

Near Completer Grant Program: COMAR 13B.08.07.01 through .08

According to the commission, the purpose of this action is to adopt regulations to implement the requirements of Education Article, §11-209(d) of the Annotated Code of Maryland

Proposed Regulation

DLS Control No. 19-292

Maryland Higher Education Commission:

Financial Aid:

**Richard W. Collins III Leadership With Honor Scholarship Program:
COMAR 13B.08.11.02**

According to the commission, the purpose of this action is to clarify the definition of full-time enrollment under COMAR 13B.08.11.02 as it relates to eligibility for the Richard W. Collins III Leadership With Honor Scholarship.

Proposed Regulation

DLS Control No. 19-293

Maryland Higher Education Commission:

Financial Aid:

**Charles W Riley Firefighter and Ambulance and Rescue Squad Member
Scholarship Program: COMAR 13B.08.03.03**

According to the commission, the purpose of this action is to remove the requirement to file a Free Application for Federal Student Aid from the process to apply for a Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship under COMAR 13B.08.03.

Institute for Emergency Medical Services Systems, Maryland

Proposed Regulation

DLS Control No. 19-244

Maryland Institute for Emergency Medical Services Systems:

Commercial Ambulance Services:

Operational Requirements: COMAR 30.09.07.02

According to the institute, the purpose of this action is to lower the minimum certification level of a commercial ambulance driver to that of Emergency Medical Responder (EMR) for an Advanced Life Support (ALS), neonatal, or Specialty Care (SCT) transport. Current regulations require that the driver be certified at the level of an Emergency Medical Technician (EMT) or higher in order to be the driver.

Insurance Administration, Maryland

Proposed Regulation

DLS Control No. 19-260

Maryland Insurance Administration:

Insurers:

Corporate Governance Annual Disclosure: COMAR 31.04.23.01 through .04

According to the administration, the purpose of this action is to propose new Regulations .01 through .04 under COMAR 31.04.23 Corporate Governance Annual Disclosure. During the 2019 legislative session, Chapter 105, Acts of 2019, created Insurance Article Sections 4-501 through 4-509 which implemented the Maryland Corporate Governance Disclosure Act. These regulations are being proposed to accompany the act and are an accreditation standard required by the National Associate of Insurance Commissioners (NAIC). These regulations follow the NAIC model #306. In addition, these regulations provide additional filing details and instructions to insurance companies required to file under the Maryland Corporate Governance Disclosure Act.

Proposed Regulation

DLS Control No. 19-283

Maryland Insurance Administration:

Insurance Producers and Other Insurance Professionals:

Surplus Lines: COMAR 31.03.06.10

According to the administration, the purpose of this action is to amend Regulation .10 under COMAR 31.03.06 Surplus Lines. This change will open up the market for surplus lines carriers who could not write primary flood coverage as it is already available from the National Flood Insurance Program. The Commissioner states that the intention is for residential and commercial consumers to have more choices for primary flood insurance coverage and that the State will see an increase in the number of properties that are protected by flood coverage.

Public Service Commission

Proposed Regulation

DLS Control No. 19-246

Public Service Commission:

Service Supplied by Telephone Companies:

Intrastate Switched Access and Pay Phone Dial Around Surcharge Rates:

COMAR 20.45.09.03

According to the commission, the purpose of this action is to reduce intrastate originating access rates for all carriers to the current interstate rate.