



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: May 3, 2019

Re: **Synopses of Regulations received from 4/19/2019 through 5/2/2019**

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

Natural Resources, Department of

Proposed Regulation

DLS Control No. 19-042

Department of Natural Resources:

Fisheries Service:

Striped Bass: COMAR 08.02.15.04

According to the department, the purpose of this action is to remove the appeal process for a licensee who has not registered for a striped bass permit by the registration deadline. Currently, a licensee must register for a striped bass permit to participate in a commercial striped bass fishery by September 15 of each year. Any permit that is not registered by the deadline is relinquished to the department and can be issued to another licensee. The regulation allows for a licensee who has not registered by September 15 to submit an appeal to the Tidal Fisheries Advisory Commission. After reviewing the appeal, the Commission makes recommendations for the appropriate action to the department. The Striped Bass Industry Workgroup and the Tidal Fisheries Advisory Commission asked the department to remove the appeal process. The industry believes strongly that it is not the role of advisory bodies to make licensing and permitting decisions.

Public Safety and Correctional Services, Department of

Proposed Regulations

DLS Control No. 19-041

Department of Public Safety and Correctional Services:

Police Training Commission:

General Regulations: COMAR 12.04.01.01 and .04

According to the department, the purpose of this action is to comply with the requirements set forth in § 3-209 of the Public Safety Article by developing standards for the pre-employment psychological evaluation of police officers. This reproposal of regulations previously published for comment in the Maryland Register on September 28, 2018, now includes the addition of Certified Professional Counselors to the Maryland Police Training and Standards Commission's definition of "mental health professional" and establishes criteria for the psychological evaluation tools used by a mental health professional when conducting a pre-employment evaluation. By adopting the repropounded regulations the Commission seeks to create a uniform employment screening process for all police officers within Maryland law enforcement agencies.

Workers' Compensation Commission

Proposed Regulation

DLS Control No. 19-043

Independent Agencies:

Workers' Compensation Commission:

Legal Representation and Fees: COMAR 14.09.04.03

According to the commission, the purpose of this action is to clarify the awarding of attorney fees when a last award of compensation for permanent partial disability is increased under COMAR 14.09.04.03.

Maryland Department of Health

Evaluation Report

DLS Control No. 19-032

Maryland Department of Health:

Maryland Community Health Resources Commission: COMAR 10.45

Board of Occupational Therapy Practice: COMAR 10.46

Evaluation Report submitted for review by the Joint Committee on Administrative, Executive, and Legislative Review under the Regulatory Review and Evaluation Act.

Evaluation Report

DLS Control No. 19-033

Maryland Department of Health:

Board of Nursing - Electrology Practice Committee: COMAR 10.53

**Special Supplemental Nutrition Program for Women, Infants, and Children (WIC):
COMAR 10.54**

Board of Dietetic Practice: COMAR 10.56..

Evaluation Report submitted for review by the Joint Committee on Administrative, Executive, and Legislative Review under the Regulatory Review and Evaluation Act.

Evaluation Report

DLS Control No. 19-034

Maryland Department of Health:

Board for Certification of Residential Child Care Program Professionals:

COMAR 10.57

Board of Professional Counselors and Therapists: COMAR 10.58

Catastrophic Health Emergencies: COMAR 10.59

Board of Environmental Health Specialists: COMAR 10.60

Health Enterprise Zone Initiative: COMAR 10.61

Natalie Laprade Medical Cannabis Commission: COMAR 10.62

Community-Based Behavioral Health Programs and Services: COMAR 10.63

Board of Nursing - Licensed Direct-Entry Midwives: COMAR 10.64

Board of Massage Therapy Examiners: COMAR 10.65

Evaluation Report submitted for review by the Joint Committee on Administrative, Executive, and Legislative Review under the Regulatory Review and Evaluation Act.

Evaluation Report

DLS Control No. 19-035

Maryland Department of Health:

Human Immunodeficiency Virus (HIV) Infection and Acquired Immunodeficiency

Syndrome (AIDS): COMAR 10.18

Child Abuse and Neglect Medical Reimbursement Program: COMAR 10.48

State Anatomy Board: COMAR 10.49

Forensic Laboratories: COMAR 10.51

Preventive Medicine: COMAR 10.52

Evaluation Report submitted for review by the Joint Committee on Administrative, Executive, and Legislative Review under the Regulatory Review and Evaluation Act.

Insurance Administration, Maryland

Proposed Regulation

DLS Control No. 19-044

Maryland Insurance Administration:

Insurance Producers and Other Insurance Professionals:

Insurance Producers – Continuing Education Requirements: COMAR 31.03.02.03

According to the administration, the purpose of this action is to amend Regulation .03 under COMAR 31.03.02 Insurance Producers – Continuing Education Requirements. In the past, not enough courses specific to title insurance were available for insurance producers to take in order to meet their continuing education requirements. Recently title insurance courses have been more readily available and at this time there are enough title insurance courses available for insurance producers to meet their continuing education requirements taking “title” courses.

Therefore, the Maryland Insurance Administration is proposing a change to Regulation .03 to require insurance producers who are licensed in title insurance only to take continuing education courses designated as “title”.

Proposed Regulation

DLS Control No. 19-045

Maryland Insurance Administration:

Insurers:

Filing of Forms for Approval: COMAR 31.04.17.03

According to the administration, the purpose of this action is to amend Regulation .03 under COMAR 31.04.17 – Filing of Forms for Approval. It has come to the attention of the Maryland Insurance Administration’s Life and Health Unit that several group annuity carriers are submitting group annuity certificates without a company officer's signature. The Maryland Insurance Administration believes that a signature is required on the certificate for it to be a valid contract. Therefore, we are planning to amend the regulation to require a signature from a company officer on not only riders and endorsement forms, but also on group certificates, policy amendments, and on both individual and group contracts.

Education, State Board of

Proposed Regulations

DLS Control No. 19-040

State Board of Education:

Home Instruction:

General Regulations: COMAR 13A.10.01.01 and 05

According to the board, the purpose of this action is to eliminate observing instruction as part of the portfolio review process for home instruction programs.