



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 31, 2019

**Re:** **Synopses of Regulations received from 5/17/2019 through 5/30/2019**

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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.

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cc: Jake Weissmann  
Alexandra M. Hughes

**Natural Resources, Department of**

**Proposed Regulation**

**DLS Control No. 19-063**

**Department of Natural Resources:**

**Wildlife:**

**Open Seasons, Bag Limits for Game Birds and Game Animals:**

COMAR 08.03.03.01

According to the department, the purpose of this action is to designate the Sundays open for hunting in Cecil and St. Mary's counties during the open seasons for all game species except migratory game birds, designate the Sundays open for deer hunting in Dorchester County, and add one additional Sunday for deer hunting during the firearms season in Wicomico County. This action will also designate the public lands open for Sunday hunting in Cecil and St. Mary's counties

**Proposed Regulations**

**DLS Control No. 19-066**

**Department of Natural Resources:**

**Fisheries Service:**

**Oysters:** COMAR 08.02.04.02, .03, .06, .10 and .11

According to the department, the purpose of this action is to update the regulations for the oyster fishery to implement the Maryland Chesapeake Bay Oyster Management Plan. The Maryland Chesapeake Bay Oyster Management Plan (oyster management plan) was recently developed to formally revise the oyster management framework in Maryland based on the results of the 2018 oyster stock assessment as well as changing conditions with oysters since the last plan was developed. The department uses fishery management plans to guide actions taken to conserve and manage the species.

**Proposed Regulation**

**DLS Control No. 19-067**

**Department of Natural Resources:**

**Fisheries Service:**

**General:** COMAR 08.02.01.01

According to the department, the purpose of this action is to incorporate by reference the Maryland Chesapeake Bay Oyster Management Plan (May 2019). The plan formally revises the oyster management framework in Maryland. The department uses fishery management plans to guide actions taken to conserve and manage the species.

**Proposed Regulations**

**DLS Control No. 19-068**

**Department of Natural Resources:**

**Fisheries Service:**

**Oysters: COMAR 08.02.04.01, .08 and .12**

According to the department, the purpose of this action is to clarify where certain gears may be used to harvest oysters. The action does not make changes to current practice, but makes changes to regulations pertaining to areas open for harvesting with patent tongs, dredge boats with and without yawl boats, and power dredge to ensure that current practices are in line with the regulation. The action also clarifies where exceptions apply.

**State Police, Department of**

**Proposed Regulation**

**DLS Control No. 19-071**

**Department of State Police:**

**Fire Prevention Commission:**

**Fire Sprinkler Contractor Licensing Regulations: COMAR 29.06.05.03**

According to the department, the purpose of this action is to amend definition “Designated Qualified Individual” pursuant to Public Safety Article § 6-206 and §§ 9-901 through 9-905.

**Health Benefit Exchange, Maryland**

**Proposed Regulation**

**DLS Control No. 19-070**

**Independent Agencies:**

**Maryland Health Benefit Exchange:**

**Small Business Health Options Program: COMAR 14.35.18.01 through .07**

According to the exchange, the purpose of this action is to establish the regulatory framework for the small business health option program.

**Maryland Department of Health**

**Proposed Regulation**

**DLS Control No. 19-064**

**Maryland Department of Health:**

**Medical Care Programs:**

**Special Psychiatric Hospitals:** COMAR 10.09.95.05

According to the department, the purpose of this action is to remove a limitation on inpatient mental health services for adults with co-occurring substance use disorder (SUD) and mental health diagnoses in order for the department to reimburse special psychiatric hospitals for providing medically managed intensive inpatient services (ASAM Level 4.0) to eligible participants, pursuant to department's §1115 HealthChoice Waiver.

**Proposed Regulation**

**DLS Control No. 19-065**

**Maryland Department of Health:**

**Board of Social Work Examiners:**

**Teletherapy:** COMAR 10.42.10.01 through .06

According to the department, the purpose of this action is to establish a new teletherapy chapter pursuant to Chapter 610, Acts of 2017.

**Proposed Regulation**

**DLS Control No. 19-069**

**Maryland Department of Health:**

**Medical Care Programs:**

**Physicians' Services:** COMAR 10.09.02.07

According to the department, the purpose of this action is to update the Maryland Medical Assistance Program Professional Service Provider Manual and the Professional Services Fee Schedule incorporated by reference in this regulation. The changes to the Manual update CPT/HCPCS codes for professional services, clarify FFS preauthorization procedures, and adjust the Evaluation and Management (E&M) fee schedule to align with the FY 2020 budget, which provides funds to maintain physician reimbursement rates for E&M services at 93 percent of Medicare.