



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:** John J. Joyce, AELR Committee Counsel  
Kathleen P. Kennedy, AELR Committee Counsel  
Georgianne Carter, AELR Committee Counsel

**Date:** June 11, 2021

**Re:** **Synopses of Regulations received from 5/27/2021 through 6/10/2021**

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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. 21-040**

**Department of Natural Resources:**

**Wildlife:**

**Use of Wildlife Areas:** COMAR 08.03.02.28

According to the department, the purpose of this action is to remove certain prohibitions on Wildlife Management Areas. In order to align deer hunting regulations in Wildlife Management Areas with the rest of the state, the restriction on the use of breech loading rifles will be removed to allow the use of rifles shooting straight-walled cartridges. However, C&D Canal Lands are exempted from this action at the request of the US Army Corp of Engineers, who own the property. In addition, this action will open Gwynnbrook and Strider wildlife management areas to archery hunting for all game species, not just deer.

**Proposed Regulations**

**DLS Control No. 21-049**

**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, and .05

According to the department, the purpose of this action is to update the commercial and recreational license suspension and revocation schedules. The commercial penalty system will be revised by adding the setting of crab pots during a closed season. The addition matches tiers of similar offenses pertaining to the illegal setting of crab pots. The commercial penalty system will also be revised by removing the administrative penalty for a Limited Crab Harvester (LCC) license holder setting more pots than authorized by their license type. The recreational penalty system will be revised by adding additional tiers for striped bass season offenses. The recreational penalty system will also be revised by removing the lower suspension tier for failing to kill a snakehead upon retention. This action also updates and standardizes certain references to the Annotated Code of Maryland and the Code of Maryland Regulations.

**Civil Rights, Commission on**

**Proposed Regulation**

**DLS Control No. 21-043**

**Independent Agencies:**

**Prescription Drug Affordability Board:**

**General Provisions:** COMAR 14.01.01.01

According to the commission, the purpose of this action is to define vocabulary used in COMAR 14.01.

**Proposed Regulation**

**DLS Control No. 21-044**

**Independent Agencies:**

**Prescription Drug Affordability Board:**

**Prescription Drug Affordability Fund:** COMAR 14.01.02.01 through 05

According to the commission, the purpose of this action is to set forth the structure and implementation of the Prescription Drug Affordability Fund, as required under Health – General Article, §21–2C–11, Annotated Code of Maryland.

**Emergency/Proposed Regulations**

**DLS Control No. 21-041**

**Independent Agencies:**

**Maryland Environmental Service:**

**Procurement:** COMAR 14.27.03.03, and .04

According to the service, the regulatory changes are necessary to implement some of the changes set forth in Senate Bill 2 (Chapter 72, Acts of 2021), which is effective July 1, 2021. These changes align MES statute with regulations.

**Emergency/Proposed Regulations**

**DLS Control No. 21-042**

**Independent Agencies:**

**Maryland Environmental Service:**

**Human Resources System:** COMAR 14.27.02.01, .02, and .25

According to the service, the regulations alter the scope of the Maryland Environmental Service’s human resources regulations and make conforming changes to align with recently passed legislation.

**Maryland Department of Health**

**Proposed Regulations**

**DLS Control No. 21-045**

**Maryland Department of Health:**

**Medical Care Programs:**

**Dental Services:** COMAR 10.09.05.01, and .03 through .07

According to the department, the purpose of this action is to: (1) clarify definitions, provider qualifications, and preauthorization requirements related to mobile dental units and orthodontic treatment coverage to align with current practices; (2) add coverage for medically

necessary dental services for postpartum women, in accordance with the Governor's supplemental budget;(3) update the dental prophylaxis coverage frequency based on HB 547 and SB 485 (2021); and (4) update the Maryland Medicaid Dental Services Fee Schedule and Procedure Codes CDT, which is incorporated by reference in this chapter.

**Proposed Regulations**

**DLS Control No. 21-046**

**Maryland Department of Health:**

**Maryland HealthChoice Program:**

**Managed Care Organizations:** COMAR 10.67.04.03, .03-1, .03-2, .19, .19-3, and .19-4

**Managed Care Organizations:** COMAR 10.67.04.05-1

According to the department, the purpose of this action is to recodify the MCO Rural Access Incentive regulation, sunset the MCO Value-Based Purchasing Program effective December 31, 2021 and implement the HealthChoice Population Health Incentive Program (PHIP) effective January 1, 2022. Additionally, this proposal updates a reference to reflect the recodified MCO Rural Access Incentive regulation.

**Labor, Maryland Department of**

**Proposed Regulation**

**DLS Control No. 21-054**

**Maryland Department of Labor:**

**Commissioner of Financial Regulation:**

**Mortgage Lenders:** COMAR 09.03.06.04

According to the department, the purpose of this action is to ensure consistency between statute and regulation by deleting a provision of COMAR pertaining specifically to requirements that Maryland mortgage lender licensees obtain and maintain physical, paper licenses, which newly enacted law conflicts with, for it eliminates those specific requirements.

**Higher Education Commission, Maryland**

**Proposed Regulations**

**DLS Control No. 21-048**

**Maryland Higher Education Commission:**

**Financial Aid:**

**Richard W. Collins III Leadership With Honor Scholarship Program:**

COMAR 13B.08.11.04 and .07

According to the commission, the purpose of this action is to update scholarship allocation guidelines pursuant to Ch. 240, Acts of 2021; alter application deadlines to allow earlier awarding to students; and remove an obsolete provision.

**Lottery and Gaming Control Agency, Maryland State**

**Proposed Regulations**

**DLS Control No. 21-047**

**Maryland State Lottery and Gaming Control Agency:**

**Gaming Provisions:**

**Investigation and Licensing:** COMAR 36.03.02.17

**Video Lottery Facility Minimum Internal Control Standards:**

COMAR 36.03.10.20, .28, and .38

**Video Lottery Terminals:**

**Video Lottery Technical Standards:** COMAR 36.04.01.27 and.30

**Table Games: Table Game Equipment:** COMAR 36.05.02.15 - .16

**Table Game Procedures:** COMAR 36.05.03.01

According to the agency, the purpose of this action is to: (1) Under COMAR 36.03.02, update the vendor registration limit from \$10,000 to \$20,000, to be consistent with other sections of this regulation;(2) Under COMAR 36.03.10, update the check cashing limit from \$25,000 to \$30,000, and increase the amount of a jackpot or credit meter payout that a single preparer can approve from \$5,000 to \$10,000;(3) Under COMAR 36.04.01, allow cashless wagering systems to be offered at a table game and other wagering accounts, and require a facility to disclose the transfer of a progressive jackpot on the front of a video lottery terminal 14 days prior to the intended date of transfer;(4) Under COMAR 36.05.02, increase the amount of time that poker cards can remain in play from 3 months to 4 months, and remove the requirement for a Commission compliance representative to sign the Card Discrepancy Report submitted by the facility operator; and(5) Under COMAR 36.05.03, allow increased flexibility over the supervision of craps table games and house banked table games.

**Administrative Hearings, Office of**

**Emergency Regulations**

**DLS Control No. 21-055**

**Office of Administrative Hearings:**

**Fees:**

**Fee Assessment and Payment; Waivers:** COMAR 28.03.01.01

**Compensation to Individual Erroneously Convicted, Sentenced, And Confined:**

**Fee Assessment and Payment; Waivers:**

COMAR 28.05.01.01, . 02, .03, .04, .05, .06, .07, and .08

According to the office, chapter 76 of the Laws of 2021 (The Walter Lomax Act) has a July 1, 2021 effective date and these emergency regulations provide the procedural basis for the filing of claims and petitions in accordance with this statute.

**Education, State Board of**

**Proposed Regulations**

**DLS Control No. 21-050**

**State Board of Education:**

**Supporting Programs:**

**Prekindergarten Programs:** COMAR 13A.06.02.01 through.03 and .05

According to the board, the purpose of this action is to amend regulations in order to update language, reflect the differences between prekindergarten for three year olds and prekindergarten for four year olds, and clarify minimum qualifications for prekindergarten classroom assistant teachers or paraprofessionals.

**Proposed Regulations**

**DLS Control No. 21-051**

**State Board of Education:**

**Students:**

**General Regulations:** COMAR 13A.08.01.01 and .02-3

According to the board, the purpose of this action is to amend regulations in order to update language, define the window for early entrance to kindergarten, remove the exemptions to kindergarten attendance that apply to alternative programs, and update Kindergarten Readiness Assessment language to reflect 2018 revisions to Education Article, §7-210, Annotated Code of Maryland, Prekindergarten and kindergarten assessments.