



MARYLAND GENERAL ASSEMBLY
JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW

SYNOPSIS OF EMERGENCY REGULATIONS

The following document provides synopses of emergency regulations received by the AELR Committee on the dates noted below. Please contact the issuing agency for copies of the text of emergency regulations. For more information, please contact Kelvin Lucas, Kathleen Kennedy, or Georgeanne Carter at the number below.

Date Received	Title and Summary	Public Hearing Scheduled, *if any	Date & Summary of any action
December 16, 2022	Emergency Regulations DLS Control No. 22-447 Maryland Department of Health: Developmental Disabilities: Fee Payment System for Licensed Residential and Day Programs: COMAR 10.22.17.02 Fee Payment System for Licensed Residential and Day Programs: COMAR 10.22.17.10 The purpose of this emergency action is to permit flexibilities in the minimum service hours for meaningful		

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	<p>day services provided and billed for, consistent with DDA’s Appendix K, temporarily amending requirements in DDA’s Medicaid Waiver programs during the public health emergency. In addition, this action amends the minimum service hours requirements to accommodate the new 15-minute service units to be implemented under DDA’s LTSSMaryland electronic software system under its new rates and fee-for-service model.</p> <p>This emergency action is being requested because the current Appendix K flexibilities associated with these regulations have been extended.</p>		
December 16, 2022	<p>Emergency Regulations DLS Control No. 22-446 Maryland Department of Health: Mental Hygiene Regulations: Maryland Mental Health and Substance Use Disorder Registry and Referral System: COMAR 10.21.31.01 Maryland Mental Health and Substance Use Disorder Registry and Referral System: COMAR 10.21.31.02 Maryland Mental Health and Substance Use Disorder Registry and Referral System: COMAR 10.21.31.03 Maryland Mental Health and Substance Use Disorder Registry and Referral System: COMAR 10.21.31.04 Maryland Mental Health and Substance Use Disorder Registry and Referral System: COMAR 10.21.31.05</p> <p>The purpose of this emergency action is to implement Health – General Article, §7.5-802 of the Annotated Code of Maryland, and in furtherance of the Maryland Mental</p>		

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	<p>Health and Substance Use Disorder Registry and Referral System. The new regulations require all licensed acute care and psychiatric hospitals, and freestanding emergency medical facilities in the Maryland Public Behavioral Health system, including inpatient, crisis, and outpatient services, to provide daily reporting and use the Maryland Mental Health and Substance Use Disorder Registry and Referral System.</p> <p>This emergency action is being requested because there is a need to ensure that all listed facilities report timely into the Maryland Mental Health and Substance Use Disorder Registry and Referral System to give a complete picture of available and open beds that serve this population. Full utilization by all listed facilities so that appropriate discharge facilitation can take place to serve the patients better to improve health outcomes instead of patients waiting in emergency departments</p>		
October 5, 2022	<p>Emergency Regulations DLS Control No. 22-404 Maryland Department of Health: Health Services Cost Review Commission: Rate Application and Approval Procedures: COMAR 10.37.10.03 and .05</p> <p>The purpose of the emergency action is to: (1) Establish a moratorium on filing full rate applications until the data used to evaluate a full rate application has no longer been substantially affected by the COVID pandemic. During the moratorium, hospitals will be able to avail themselves of</p>		

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	<p>other administrative remedies available under commission law, regulation, or policy. The moratorium will not extend beyond June 30, 2023. (2) Update the standard for a temporarily approved rate to be used by the commission in 10.37.10.05 The emergency action is being requested because obtaining reliable data not substantially affected by the COVID pandemic will enable the successful implementation of commission-approved rate setting methodologies. Changes to 10.37.10.05 are being requested because the current standard for the temporarily approved rate is based on methodologies that no longer exist or no are longer applied.</p>		
<p>August 29, 2022</p>	<p>Emergency Regulation DLS Control No. 22-397 Board of Elections: Absentee Ballots: Canvass of Ballots – Procedures: COMAR 33.11.04.04</p> <p>Emergency status is requested in order for the proposed changes to be in effect in time for the 2022 General Election. The proposed changes remove the requirement that the local boards hold back ballots for the final canvass and means that the local boards can count more ballots in the first canvass of mail-in ballots. With the large increase in the number of mail-in ballots, the secrecy of mail-in ballots is preserved due to the large increase in the number of mail-in ballots.</p>		<p>Emergency status approved beginning September 21, 2022 and expiring December 31, 2022.</p>
<p>August 5, 2022</p>	<p>Emergency Regulations DLS Control No. 22-388 Department of Agriculture:</p>		<p>Emergency status approved beginning October 4, 2022 and expiring March 15, 2023.</p>

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	<p>Office of the Secretary: Hemp Farming Program: COMAR 15.01.17.02, 08, 10 through 13, and 15</p> <p>The Maryland Department of Agriculture (MDA) is requesting emergency status so that the benefits it provides to licensed hemp growers will take effect before they begin harvesting the hemp crop in September 2022. The action provides growers a larger harvest window, increasing the grower’s time to complete the harvest from 15 days to 30 days before the Department or an authorized agent is required to collect a new sample of a lot for testing. This change will result in less testing and less downtime for the grower at harvest-time. While growers still must submit planting reports and annual production reports, the proposed action eliminates the requirement to submit a pre-harvest report and a post-harvest report. This change, like the previous change will put licensed hemp growers in this State on an even playing field with growers in surrounding states. This action has been approved by USDA. Later this month, MDA anticipates that it will be submitting a Proposed Action to incorporate these changes (and other changes, deemed less urgent, that likewise have been approved by USDA).</p>		
August 8, 2022	<p>Emergency Regulations DLS Control No. 22-387 Maryland Department of Health: Board of Nursing - Certified Nursing Assistants: Certification of Nursing Assistants: COMAR 10.39.01.01, .04, .05, and .09</p>	N/A	Emergency status beginning September 22, 2022 and expiring March 20, 2023.

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	<p>The purpose of this emergency action is to authorize temporary nurse aides (TNA) who worked during the coronavirus pandemic under the Centers for Medicare & Medicaid Services (CMS) 1135 blanket waiver to apply on-the-job experience as a nurse aide toward the total number of training hours required for certification as a geriatric nursing assistant (GNA). There are currently 2,000–3,000 TNAs working in the state of Maryland. It is essential for long-term care facilities to retain adequate direct-entry staffing levels to address Maryland’s chronic and aging population needs. This emergency action is being introduced in response to the expiration of the Centers for Medicare & Medicaid Services (CMS) 1135 blanket waiver on June 6, 2022.</p>		
July 22, 2022	<p>Emergency Regulations DLS Control No. 22-374 Maryland State Lottery and Gaming Control Agency: Sports Wagering Application Review Commission: General Provisions: COMAR 36.11.01.01 and .02 All Applicants and Awardees: COMAR 36.11.02.01 through .19</p> <p>The Sports Wagering Application Review Commission would like to begin accepting applications from prospective applicants for Class B-1 or B-2 sports wagering facility licenses and Mobile sports wagering licenses as soon as possible.</p>		Emergency status beginning September 2, 2022 and expiring March 3, 2023.

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July 15, 2022	<p>Emergency Regulations DLS Control No. 22-360 Maryland Department of Health: Board of Nursing: Examination and Licensure: COMAR 10.27.01.01, .03, and .17</p> <p>The purpose of this emergency action is to permit continued flexibility for the state’s overall COVID – 19 response and to ensure that acute care settings in the state are able to maintain adequate healthcare provider staffing capacity.</p> <p>This emergency action is being requested by acute care stakeholders as the Board of Nursing’s current emergency regulations are set to expire on July 3, 2022.</p>	N/A	Emergency status approved September 7, 2022, and expiring March 5, 2023.
June 30, 2022	<p>Emergency Regulation DLS Control No. 22-349 Board of Elections: Precincts, Polling Places, and Facilities: Polling Places: COMAR 33.15.03.07</p> <p>Emergency status is requested in order for the regulations to be in effect for the 2022 Primary Election.</p>		Emergency status approved beginning July 18, 2022 and expiring December 1, 2022.
June 30, 2022	<p>Emergency Regulation DLS Control No. 22-346 Department of the Environment:</p>	N/A	Emergency status approved August 24, 2022, and expiring February 20, 2023.

Date Received	Title and Summary	Public Hearing Scheduled, *if any	Date & Summary of any action
	<p>Regulation of Water Supply, Sewage Disposal, and Solid Waste: On-site Wastewater Property Transfer Inspection License: COMAR 26.04.12.01</p> <p>An Emergency Action is necessary to create a new Chapter codified as 26.04.12.01 – On-site Wastewater Property Transfer Inspection License and to update and make COMAR regulations consistent with legislation added by Acts 2021, C. 444, § 1, eff. Oct. 1, 2021; Acts 2021, C. 445, § 1, eff. Oct. 1, 2021, which modified MD Code; § 9-217.2 of the Environment Article, § 9-217.2. of the MD Environment After July 1, 2022, individuals may not inspect on-site sewage disposal systems unless they hold a valid on-site wastewater property transfer inspection license issued by the department. These individuals are inspecting the systems to ensure they are functioning properly and not negatively impacting public health or the environment. If they are not able to obtain the licenses effective July 1, these inspections may have to cease until the regulations are formally adopted. Failing septic systems may go undetected during this time period. Additionally, without licensed inspectors to inspect and certify the system, some real estate transactions may not proceed in a timely manner.</p>		
June 29, 2022	<p>Emergency Regulations DLS Control No. 22-342 Board of Elections: Absentee Ballots: Canvass of Ballots – Rejecting Ballots: COMAR 33.11.05.04</p>		Emergency status approved beginning July 18, 2022 and expiring December 1, 2022.

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	<p>Provisional Voting: Canvass of Ballots – Rejecting Ballots: COMAR 33.16.06.04</p> <p>Emergency status is requested in order for the regulations to be in effect for the 2022 Primary and General Elections.</p>		
June 28, 2022	<p>Emergency Regulations DLS Control No. 22-339 Board of Elections: Election Day Activities: Order and Decorum: COMAR 33.07.04.02 Absentee Ballots: Issuance and Return: 33.11.03.06</p> <p>Emergency Status for the proposed amendments to COMAR § 33.07.04.02 and 33.11.03.06 is required in order for the proposed amendments to be in effect in time for the Primary Election on July 19, 2022.</p>		Emergency status approved beginning July 18, 2022 and expiring December 1, 2022.
June 27, 2022	<p>Emergency Regulation DLS Control No. 22-338 Department of Public Safety and Correctional Services: Police Training Commission: Model Uniform Disciplinary Matrix: COMAR 12.04.10.01 through .04</p> <p>The Maryland Police Accountability Act of 2021 (HB 670) is due to take effect on July 1, 2022. While the Maryland Police Training and Standards Commission (MPTSC) has been in the development stage of the new regulations, the 2022 General Assembly passed several amendments</p>		Emergency status approved September 6, 2022 and expiring December 27, 2022.

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	<p>(SB 763) that had a significant impact on the existing legislation. The MPTSC had to reconvene and work through regulations that had previously been drafted under the original HB 670 language, and modify the draft regulations to meet the requirements of the newly passed SB 763 amendments. The Office of Attorney General reviewed the final document for legal sufficiency and returned the document with several highlighted areas that had to be changed in order to satisfy legal sufficiency. The MPTSC met several times over the past few several weeks to complete the document. Attorney General Frosh assisted the commission with understanding the legal opinion so the document could be finalized on June 13, 2022. Emergency filing is necessary in order to meet the effective date of the legislation and provide guidance to local governing bodies as they develop their new boards and committees.</p>		
June 24, 2022	<p>Emergency Regulation DLS Control No. 22-337 Department of Public Safety and Correctional Services: Police Training Commission: Police Accountability Boards and Administrative Charging Committees: COMAR 12.04.09.01 through .07</p> <p>The Police Training and Standards Commission is requests emergency action to enact Regulations .01 through .07 under Chapter 09–Police Accountability Boards and Administrative Charging Committees. Granting emergency status will ensure that the regulations are</p>		Emergency status approved September 6, 2022 and expiring December 27, 2022.

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	<p>enacted by the effective date of July 1, 2022 of the Maryland Police Accountability Act of 2021, as established in Chapter Law 059 of the Acts of the 2021 Maryland General Assembly.</p>		
<p>April 8, 2022</p>	<p>Emergency/Proposed Regulations DLS Control No. 22-302 Maryland Department of Labor: Racing Commission: Harness Racing: COMAR 09.10.02.08 Harness Racing: COMAR 09.10.02.25</p> <p>Ocean Downs Raceway begins their race Meeting on May 29, 2022 and has asked that these amendments be in place to coincide with their operations.</p>		<p>Emergency status beginning May 25, 2022 and expiring October 24, 2022.</p>
<p>April 11, 2022</p>	<p>Emergency Regulations DLS Control No. 22-304 Maryland Department of Health: Developmental Disabilities: Fee Payment System for Licensed Residential and Day Programs: COMAR 10.22.17.02 and .10</p> <p>The purpose of this emergency action is to permit flexibilities in the minimum service hours for meaningful day services provided and billed for, consistent with DDA’s Appendix K, temporarily amending requirements in DDA’s Medicaid Waiver programs during the public health emergency. In addition this action amends the minimum service hours requirements to accommodate the new 15-minute service units to be implemented under</p>	<p>n/a</p>	<p>Emergency status approved May 27, 2022, and expiring June 30, 2022.</p>

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	DDA's LTSS Maryland electronic software system under its new rates and fee-for-service model.		
February 4, 2022	<p>Emergency/Proposed Regulations DLS Control No. 22-273 Maryland Institute for Emergency Medical Services Systems: Emergency Medical Services Providers: Licensure and Certification: COMAR 30.02.02.13</p> <p>The purpose of this action is to establish a pathway for individuals who received a provisional license or certificate under the Proclamation of Governor Lawrence J. Hogan, Jr. (the "Governor") dated January 4, 2022. Proclaiming a state of emergency and a catastrophic health emergency related to COVID-19, and Order Number 22 - 01 - 04 - 02 of the Governor dated January 4, 2022. Entitled "Augmenting the Emergency Medical Services Workforce and to extend the time to complete the requirements for those who received a provisional license or certificate under the previous State of Emergency."</p> <p>The agency is seeking emergency status for these amendments so that this pathway to full status can be in place with the end of the State of Emergency and allow time for promulgation of the permanent regulation.</p>	n/a	Emergency status approved March 2, 2022, and expiring July 31, 2022.
February 1, 2022	<p>Emergency/Proposed Regulations DLS Control No. 22-272</p>	n/a	Emergency status approved March 3, 2022, and expiring July 31, 2022.

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	<p>Maryland Institute for Emergency Medical Services Systems: Emergency Medical Services Providers: Licensure and Certification: COMAR 30.02.02.03</p> <p>Acting pursuant to the Proclamation of Governor Lawrence J. Hogan, Jr. (the “Governor”) dated January 4, 2022, proclaiming a state of emergency and a catastrophic health emergency related to COVID-19. As it may be amended or renewed from time to time, and the Order No. 22 - 01 - 04 - 02 of the Governor dated January 4, 2022. Entitled “Augmenting the Emergency Medical Services Workforce, MIEMSS, and the EMS Board issued a public notice modifying COMAR 30.02.02.03 to the extent that the cognitive and practical certification examination may occur before the required internship is complete. During the pandemic, internship opportunities have been limited and delaying exams until the completion of the required internship is not conducive to success on the exams and could delay the licensing process. MIEMSS and the EMS Board are seeking emergency status so that this modification can remain in place after the end of the State of Emergency and allow time for promulgation of the regulation.</p>		
January 1, 2022	<p>Emergency Proposed Regulations DLS Control No. 22–268 Maryland Department of Health: Developmental Disabilities: Fee Payment System for Licensed Residential and Day Programs: COMAR 10.22.17.02 and .10</p>	n/a	Emergency status beginning January 20, 2022 and expiring March 31, 2022.

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	<p>These regulations are nearly identical to emergency regulations previously submitted by the Maryland Department of Health and published on September 10, 2021 in Volume 48, Issue 19 of the Maryland Register (DLS Control No. 21 089E). The regulations, beginning January 1, 2022, make changes distinguishing between the Developmental Disabilities Administration's (DDA) prospective payment system and fee for service payment system, reduce the number of absences or vacancy days which DDA will reimburse, and make changes regarding reimbursement to providers in the event of a public health emergency or state of emergency.</p>		

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December 27, 2021	<p>Emergency/Proposed Regulations DLS Control No. 21-266 Maryland State Lottery and Gaming Control Agency: Sports Wagering Provisions: Specific Requirements for Sports Wagering Facility Licensees: COMAR 36.10.04.03 and .08 Collection of Taxes, Fees, and Penalties: COMAR 36.10.12.03 Sports Wagering Licensee Minimum Internal Control Standards: COMAR 36.10.13.40 Sports Wagering Requirements and Limitations: COMAR 36.10.14.01 and .03 Wagering Using Online, Web-based, or Mobile Applications: COMAR 36.10.16.03 and .04 Sports Wagering Equipment: COMAR 36.10.17.04 Sports Wagering Technical Standards: COMAR 36.10.18.05 and .06</p> <p>The agency promulgated all new regulations under a new Subtitle 10 (Sports Wagering Provisions) to implement the requirements of the new Sports Wagering Law pursuant to Chapter 356 of 2021 Laws. We are requesting approval of these emergency regulations until such time that the non-substantive and substantive changes to the sports wagering regulations take effect on both a permanent and emergency basis.</p>	n/a	Emergency status beginning January 26, 2022 and expiring July 25, 2022.

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December 20, 2021	<p>Emergency Regulations DLS Control No. 21-265 Maryland Department of Health: Board of Pharmacy: Reinstatement of Expired Licenses for Pharmacists: COMAR 10.34.13.04 Licensure by Reciprocity: COMAR 10.34.15.01</p> <p>The purpose of this emergency action is to permit flexibilities for the State’s overall COVID-19 response and ensure that hospitals in the State are able to maintain health care provider staffing capacity due to any potential surge through Winter 2022.</p>	n/a	Emergency status beginning January 7, 2022 and expiring July 6, 2022.
December 16, 2021	<p>Emergency Regulations DLS Control No. 21-264 Maryland Department of Health: Board of Nursing: Examination and Licensure: COMAR 10.27.01.01, .03, and .17</p> <p>The purpose of this emergency action is to permit flexibilities for the State’s overall COVID-19 response and ensure that hospitals in the State are able to maintain health care provider staffing capacity due to any potential surge through Winter 2022.</p>	n/a	Emergency status beginning January 4, 2022 and expiring July 3, 2022.

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December 15, 2021	<p>Emergency Regulations DLS Control No. 21-263 Maryland Department of Health: Board of Physicians: General Licensure Regulations: COMAR 10.32.01.11 and .17 Delegation of Duties by a Licensed Physician-Physician Assistant: COMAR 10.32.03.09</p> <p>The purpose of this emergency action is to permit flexibilities for the State’s overall COVID-19 response and ensure that hospitals in the State are able to maintain health care provider staffing capacity due to any potential surge through Winter 2022.</p>	n/a	Emergency status beginning January 4, 2022 and expiring July 3, 2022.
December 13, 2021	<p>Emergency Regulations DLS Control No. 21-258 State Procurement Regulations: Administrative and Civil Remedies: Maryland State Board of Contract Appeals – General: COMAR 21.10.05.01, .02, .04 through .06, and .07 through .15 Maryland State Board of Contract Appeals – Procedures For Appealing Contract Disputes: COMAR 21.10.06.01, .03, .04, .06, .08 through .15, .25, .17 through .24, and .31 Maryland State Board of Contract Appeals – Procedures for Appealing Protests: COMAR 21.10.07.01 through .06</p> <p>In an effort to ensure the permanent version of these regulations correctly represents the board’s intentions and</p>	n/a	Emergency status extended beginning January 4, 2022 and expiring July 3, 2022.

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	<p>are completely correct with regard to legal form and sufficiency, the board engaged in an effort to further evaluate these regulations with the assistance of the Office of the Attorney General. This process took longer than expected and places the adoption of the permanent, and identical, version of these regulations beyond the expiration (January 27, 2022) for the emergency regulations. Therefore, we respectfully request an extension through April 15, 2022 to ensure the permanent version is fully adopted and that the regulations remain in constant effect during the process. Thank you.</p>		
December 9, 2021	<p>Emergency Regulation DLS Control No. 21-237 State Board of Education: State School Administration: Face Coverings in School Facilities: COMAR 13A.01.07.01 through .06</p> <p>The regulations are necessary to mitigate the spread of COVID-19 in Maryland public schools, prevent public school closures, and limit the number of students required to quarantine out of the classroom during the 2021-2022 school year due to COVID-19.</p>	1/5/2022	Emergency status beginning January 5, 2022, and expiring July 1, 2022.

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December 7, 2021	<p>Emergency Regulations DLS Control No. 21-232 Maryland Department of Health: Developmental Disabilities: Fee Payment System for Licensed Residential and Day Programs: COMAR 10.22.17.02 and .10</p> <p>The purpose of this emergency action is to permit flexibilities in the minimum service hours for Day Habilitation services provided and billed for, consistent with DDA's Appendix K, temporarily amending requirements in DDA's Medicaid Waiver programs during the public health emergency. This emergency action is being requested because the Maryland Department of Health wants to allow Day Habilitation providers to provide and bill for services to individuals.</p>	n/a	Emergency regulations were withdrawn before publish on 12/21/2021.