



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

Date: October 29, 2021

Re: **Synopses of Regulations received from 10/15/2021 through 10/28/2021**

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: Sally M. Robb
Alexandra M. Hughes

Natural Resources, Department of

Proposed Regulations

DLS Control No. 21-187

Department of Natural Resources:

Fisheries Service:

Crabs: COMAR 08.02.03.01, .09, and .11

According to the department, the purpose of this action is to modify the commercial trotline time restrictions in the Chesapeake Bay and its tidal tributaries and clarify rules for the recreational use of certain gears. The action modifies the commercial trotline time restrictions in the Chesapeake Bay and its tidal tributaries for the months of April, October, November, and December, based on feedback from the Blue Crab Industry Advisory Committee. The current harvest times for those months with trotline gear is from sunrise to 10 hours after sunrise. The advisory committee recommended shifting the harvest period back by one half-hour. The new harvest period proposed in this action is from a half-hour before sunrise to nine and a half hours after sunrise. It is not anticipated that this shift would change the total amount of harvest. The action will also clarify the rules pertaining to the use of handlines and eel pots. With regards to handlines, the department is clarifying that handlines are not intended to be buoyed. The department is also clarifying that eel pots must be used only to harvest eels for bait and are not legal crabbing gear. Both of these changes are being proposed due to repeated inquiries from the public and the department's desire to provide the clearest possible rules to the recreational crabbing community.

Insurance Administration, Maryland

Proposed Regulations

DLS Control No. 21-180

Maryland Insurance Administration:

Health Insurance – General:

Pharmacy Benefits Managers–Maximum Allowable Cost:

COMAR 31.10.46.02 and .03

Cost Pricing and Reimbursement other than MAC: COMAR 31.10.47.02 and .03

Filing of Contracts and Amendments: COMAR 31.10.48.02 through .05

According to the administration, the purpose of this action is to revise existing regulations to conform to recent changes to Title 15, Subtitle 16, of the Insurance Article, which were enacted during the 2020 and 2021 legislative sessions. Specifically, Chapter 358 of 2021, amended the definition of “purchaser” and added a new definition of “carrier”, which altered the scope of this subtitle. The Act also amended § 15-1628 of the Insurance Article to change the Primary Benefits Managers (PBM) contract filing requirement. Chapter 455 of 2020 amended § 15-1628 to prohibit certain fees for credentialing a pharmacy to participate in a PBM's network. The Act also amended § 15-1628.3 to prohibit certain reimbursement practices of PBMs. Previously, PBMs were only

required to provide a certain notice to pharmacies before engaging in these reimbursement practices. The action also corrects some outdated cross-references.

Public Service Commission

Proposed Regulation

DLS Control No. 21-178

Public Service Commission:

Transportation:

General: COMAR 20.95.01.11

According to the commission, the purpose of this action is to govern vehicle inspection standards for passenger-for-hire vehicles currently permitted by the commission, in addition to vehicles added in the future subject to open vehicle safety recalls. Unrepaired recalled vehicles are a direct contributor to crashes that kill and injure innocent victims. The National Highway Traffic Safety Administration (“NHTSA”) considers every recall to be a serious safety threat.

Proposed Regulation

DLS Control No. 21-179

Public Service Commission:

Taxicabs:

Control and Operation of Taxicabs in Baltimore City and Baltimore County:

COMAR 20.90.02.16

According to the commission, the purpose of this action is to govern vehicle inspection standards on all taxicabs currently permitted by the commission, in addition to taxicabs added in the future subject to open vehicle safety recalls. Unrepaired recalled vehicles are a direct contributor to crashes that kill and injure innocent victims. The National Highway Traffic Safety Administration (“NHTSA”) considers every recall to be a serious safety threat.

Proposed Regulations

DLS Control No. 21-181

Public Service Commission:

Competitive Gas Supply:

General: COMAR 20.59.01.02

Pre-Enrollment Information: COMAR 20.59.03.02

Transfers of Service: COMAR 20.59.04.02

Utility Consolidated Billing: COMAR 20.59.05.02 and .05 through .11

Nonresidential Customer Protection: COMAR 20.59.06.03, .05, and .06

Residential Customer Protection: COMAR 20.59.07.05 through .10 and .12

Supplier Agent Relations: COMAR 20.59.08.01 through .09

Issuance, Format, and Content of Bills for Supplier Consolidated Billing:

COMAR 20.59.09.01 and .02

Supplier Agent Relations: COMAR 20.59.10.04

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

- define “CAD,” “supplier consolidated billing,” and “supply price comparison” and provide the additional items needed for third party verification of a contract for supplier consolidated billing;
- delete the word “process” as superfluous to the meaning of electronic transaction;
- establish eligibility requirements for enrollment in supplier consolidated billing and related requirements for switching from supplier consolidated billing;
- set rules governing a defaulted supplier who is a consolidated biller;
- describe interchange of consumption, billing, and payment information among utilities and consolidated billing entities;
- establish requirements under which a consolidated billing supplier must make customers’ bills available to the utility;
- establish a process for consolidated billing suppliers to change a customer’s existing billing method with notice;
- provide rules for budget billing when switching to SCB or on SCB;
- require supplier purchase of utility receivables and sets terms of payment posting hierarchy;
- set rules regarding limited utility purchase of customers arrears;
- establish supplier consolidated billing reporting requirements for suppliers and utilities;
- allow repurchased arrears from a supplier to be treated as utility charges for purpose of service termination;
- establish notice requirements at enrollment and when a customer has overdue payments such that the supplier will drop a customer from supplier consolidated billing service;
- require that receipt of supplier consolidated billing be contained in the Notice of Enrollment Notice;
- provide for the allocation of refunds ordered by CAD in the case of complaints involving supplier consolidated billing;

- clarify the treatment of utility purchased receivables relative to service termination where supplier consolidated billing is implicated;
- clarify internet advertising responsibilities for supplier consolidated billing offers;
- require, as a minimum contract term, identification of the billing method that will be used and the method and frequency of that billing if a customer contracts for supplier consolidated billing;
- provide for prominent display of notice of pending renewal of evergreen contract for supplier consolidated billing;
- provide for disclosures related to commodity and non-commodity prices involving supplier consolidated billing;
- specify notice of enrollment notice language and procedures for supplier consolidated billing;
- specify procedures and notices for dropping a customer for non-payment and assignment of contract for supplier consolidated billing;
- set forth the minimum content to be included in or with any bill issued by a supplier offering supplier consolidated billing together with additional requirements for bills that are rendered electronically;
- establish required customer protection practices for suppliers of supplier consolidated billing services and their customers.

Proposed Regulations

DLS Control No. 21-182

Public Service Commission:

Gas Suppliers:

General Provisions: COMAR 20.54.01.02

Administrative Provisions: COMAR 20.54.02.01, .02, .07, and .08

Gas Supplier License Requirements: COMAR 20.54.03.01, .03, and .05

- According to the commission, the purpose of this action is to:
- adopt regulations governing the licensing of electricity suppliers authorized to perform supplier consolidated billing by requiring:

- a separate gas supplier license for those who provide supplier consolidated billing;
- that an applicant for a license to provide supplier consolidated billing certify that the applicant will comply with all statutes and regulatory requirements applicable to utility and supplier billing and charges;
- that an applicant will maintain call center operations, a complaint resolution process, an ongoing quality assurance program that documents the accuracy of customer bills; and
- additional proof of financial integrity; and
- adopt regulations governing the licensing of gas suppliers authorized to perform supplier consolidated billing by specifying:
 - additional material changes requiring updates in the case of supplier consolidated billers;
 - when the initial bond or prepayment must be updated; and
 - a consolidated biller's obligation in the event that that type of billing ceases to be offered generally or to a specific customer.

Proposed Regulations

DLS Control No. 21-183

Public Service Commission:

Competitive Electricity Supply:

General: COMAR 20.53.01.02

Pre-Enrollment Information: COMAR 20.53.03.02

Transfers of Service: COMAR 20.53.04.02

Supplier-Utility Coordination and Utility Consolidated Billing:

COMAR 20.53.05.05 and .07 through .13

Nonresidential Customer Protection: COMAR 20.53.06.03, .05, and .06

Residential Customer Protection: COMAR 20.53.07.05 through .10 and .12

Supplier Agent Relations: COMAR 20.53.08.01 through .09

Issuance, Format, and Content of Bills for Supplier Consolidated Billing:

COMAR 20.53.09.01 and .02

Supplier Agent Relations: COMAR 20.53.10.04

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

- define “CAD,” “supplier consolidated billing,” and “supply price comparison” and provide the additional items needed for third party verification of a contract for supplier consolidated billing;
- delete the word “process” as superfluous to the meaning of electronic transaction;
- establish eligibility requirements for enrollment in supplier consolidated billing and related requirements for switching from supplier consolidated billing;
- set rules governing a defaulted supplier who is a consolidated biller;
- describe interchange of consumption, billing, and payment information among utilities and consolidated billing entities;
- establish requirements under which a consolidated billing supplier must make customers’ bills available to the utility;
- establish a process for consolidated billing suppliers to change a customer’s existing billing method with notice;
- provide rules for budget billing when switching to SCB or on SCB;
- require supplier purchase of utility receivables and sets terms of payment posting hierarchy;
- set rules regarding limited utility purchase of customers arrears;
- establishes supplier consolidated billing reporting requirements for suppliers and utilities;
- allow repurchased arrears from a supplier to be treated as utility charges for purpose of service termination;
- establish notice requirements at enrollment and when a customer has overdue payments such that the supplier will drop a customer from supplier consolidated billing service;
- require that receipt of supplier consolidated billing be contained in the Notice of Enrollment notice;
- provide for the allocation of refunds ordered by CAD in the case of complaints involving supplier consolidated billing;

- clarify the treatment of utility purchased receivables relative to service termination where supplier consolidated billing is implicated;
- clarify internet advertising responsibilities for supplier consolidated billing offers;
- require, as a minimum contract term, identification of the billing method that will be used and the method and frequency of that billing, if a customer contracts for supplier consolidated billing;
- provide for prominent display of notice of pending renewal of evergreen contract for supplier consolidated billing;
- provide for disclosures related to commodity and non-commodity prices involving supplier consolidated billing;
- specify notice of enrollment notice language and procedures for supplier consolidated billing;
- specify procedures and notices for dropping a customer for non-payment and assignment of contract for supplier consolidated billing;
- set forth the minimum content to be included in or with any bill issued by a supplier offering supplier consolidated billing together with additional requirements for bills that are rendered electronically;
- require that agents being trained to act on behalf of a retail supplier understands:
 - the supplier's billing options and is able to explain that the customer will receive a single bill for utility and supplier charges;
 - that charges will be paid directly to the supplier unless the customer owes a previous biller, in which case the amount must be paid to the previous biller;
 - the agent must also be trained on where the customer can find the utility's toll free number to resolve safety concerns and outage issues; and
 - that formatting changes to supplier training records requirements are required.
- establish required customer protection practices for suppliers providing supplier consolidated billing services and their customers. These practices apply to the following:

- alternate payment plans;
- the conditions under which a deposit may be requested and held by a supplier;
- the conditions under which a utility must return and may request a deposit from a customer going to or from supplier consolidated billing;
- when and at what level a late payment charge is authorized;
- the length of time customer bills must be retained;
- process by which a bill issued by a supplier offering consolidated billing may be adjusted and the conditions under which an installment plan shall be provided;
- a supplier's obligation and restrictions associated with investigating complaints;
- a supplier consolidated biller's obligation to issue a customer rights pamphlet and the timing of that issuance; and
- the requirement of a supplier consolidated biller to maintain a customer call center and the obligations of the call center and the supplier with regard to call center operations.

Proposed Regulations

DLS Control No. 21-184

Public Service Commission:

Electricity Suppliers:

General Provisions: COMAR 20.51.01.02

Administrative Provisions: COMAR 20.51.02.01, .02, .07, and .08

Electricity Supplier License Requirements: COMAR 20.51.03.01, .03, and .05

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

- specify additional circumstances considered material changes requiring updated information in the case of supplier consolidated billing;
- require revision to supplier's updated bond for prepayments at earlier than six months, if required;
- clarify actions required or allowed upon cessation of supplier consolidated billing; and

- adopt regulations governing the licensing of electricity suppliers authorized to perform supplier consolidated billing by requiring:
- a separate electricity supplier license for those who provide supplier consolidated billing;
- that an applicant for a license to provide supplier consolidated billing certify that the applicant will comply with all statutes and regulatory requirements applicable to utility and supplier billing and charges;
- that an applicant will maintain call center operations, a complaint resolution process, an ongoing quality assurance program that documents the accuracy of customer bills; and
- additional proof of financial integrity.

Education, State Board of

Proposed Regulations

DLS Control No. 21-185

State Board of Education:

Certification:

General Provisions: COMAR 13A.12.01.01 through .06

Teachers: COMAR 13A.12.02.01 through .07

Specialists: COMAR 13A.12.03.01 through .05

Administrators and Supervisors: COMAR 13A.12.04.01 through .15

Suspensions and Revocations: COMAR 13A.12.05.01 through .15

Disciplinary Actions and Denials: COMAR 13A.12.06.01 through .09

Professional Standards and Teacher Education Board:

COMAR 13A.12.07.01 through .08

According to the board, the purpose of this action is to adopt regulations in accordance with The Blueprint for Maryland's Future and the Teacher Induction, Retention, and Advancement Final Report (2017).

Proposed Regulation

DLS Control No. 21-186

State Board of Education:

School Personnel:

Programs for Professionally Certified Personnel: COMAR 13A.07.06.01 through .15

According to the board, the purpose of this action is to increase accountability of educator preparation programs in accordance with The Blueprint for Maryland's Future.