



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
Georganne Carter, AELR Committee Counsel

Date: August 6, 2021

Re: **Synopses of Regulations received from 7/23/2021 through 8/5/2021**

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 Robb
Alexandra M. Hughes

Agriculture, Department of

Emergency/Proposed Regulations

DLS Control No. 21-091

Department of Agriculture:

Office of the Secretary:

Farmers' Market Nutrition Program–Appeal Procedure:

COMAR 15.01.18.01 through .11

According to the department, each year, the Maryland Department of Agriculture receives a large grant from USDA to administer the Farmers' Market Nutrition Program, a federal-state program designed to:

- provide low income seniors and participants in the Women, Infants, and Children Program access to locally grown fruits, vegetables, honey, and herbs; and
- increase the domestic consumption of agricultural commodities through farmers' markets, roadside stands, and community supported agricultural programs. To continue receiving this grant, MDA must adopt an appeal process that complies with USDA regulations. USDA already has reviewed and approved the proposed regulations.

Natural Resources, Department of

Proposed Regulation

DLS Control No. 21-085

Department of Natural Resources:

Boating–Speed Limits and Operation of Vessels:

Whitehall Bay: COMAR 08.18.29.03

According to the department, the purpose of this action is to expand the speed zone in Mill Creek. The new line will begin just prior to the intersection of the waterways, approximately 235 yards down the main stem of Mill Creek waterway. The proposed action removes the descriptions for both the Martin Cove and Mill Creek Proper (Northern Branch) and establishes a new speed zone demarcation line for the combined and extended area. The proposed action establishes a 6 knot speed limit on Saturdays, Sundays and holidays all year for the entire area, which is the current rule for the Mill Creek proper and Martins Cove waterways. The department expects that by extending the 6 knot speed limit to the new line, both safety and property concerns will be addressed.

Proposed Regulation

DLS Control No. 21-086

Department of Natural Resources:

Boating–Speed Limits and Operation of Vessels:

Magothy River: COMAR 08.18.13.04

According to the department, the purpose of this action is to expand the current demarcation line for the speed zone on Cool Springs Cove and Forked Creek. The proposed action relocates the demarcation line for the 6 knot speed limit that is in place at all times during the year approximately 400 feet north (downstream) of the current line. This will help account for large wakes being experienced by local residents and the marina due to newer styles of watercraft being used in this area over the last several years. The proposed action also reorganizes the section so that the regulation complies with formatting rules. This action will increase safety for all waterway users, community marinas, and privately owned waterfront properties within the waterway area.

Proposed Regulation

DLS Control No. 21-087

Department of Natural Resources:

Boating–Speed Limits and Operation of Vessels:

South River: COMAR 08.18.25.02

According to the department, the purpose of this action is to change the speed limit in the area near the Riva Bridge to be consistent with the speed limit in the Route 2 bridge area. The proposed action changes the speed limit for the Riva Bridge area from 6 knots on Saturdays, Sundays, and holidays during the boating season to 6 knots at all times. The proposed action also reorganizes the section so that the regulation complies with formatting rules. As noted by Natural Resources Police (NRP), the area leading under the bridge is a confusing point to waterway users. NRP has received many complaints from the boating public because of high wake caused by other boats. Creating a full time 6 knot speed zone, as opposed to the part time speed zone that exists now, will reduce potential injuries and property damage.

State Police, Department of

Proposed Regulation

DLS Control No. 21-097

Department of State Police:

Office of the Secretary:

Public Information Requests: COMAR 29.01.02.

According to the department, the purpose of this action is to add “date of birth” to the list of sociological information. The changes will additionally update COMAR to reflect General Provisions Article, § 4 which renames sociological data “sociological information”.

Proposed Regulation

DLS Control No. 21-098

Department of State Police:

Weapons Regulation:

Handgun Roster Board: COMAR 29.03.03.

According to the department, the purpose of this action is to remove the requirement of a handgun model number from needing to be included on a petition to the Handgun Roster Board for placement of a handgun on the Handgun Roster.

Automobile Insurance Fund, Maryland

Proposed Regulations

DLS Control No. 21-088

Independent Agencies:

Maryland Automobile Insurance Fund:

Board of Trustees: COMAR 14.07.01.01 through .18

Binding Rules: COMAR 14.07.02.01 through .08

Producer Discipline Hearing Rules: COMAR 14.07.03.01 through .06

According to the fund, the purpose of this action is to repeal COMAR 14.07.01 Board of Trustees; COMAR 14.07.02 Binding Rules; and COMAR 14.07.03 Producer Discipline Hearing Rules. In accordance with Chapter 509, Laws of Maryland 2017, Insurance Article § 20-201, the Board of Trustees processes and procedures; Binding Rules; and Producer Discipline Hearing Rules are no longer subject to Title 10, Subtitle 1, of the State Government Article and, therefore, regulations are no longer required. Instead, the Board of Trustees processes and procedures; Binding Rules; and Producer Discipline Hearing Rules are governed by by-laws, policies and procedures adopted by the Board of Trustees in accordance with §§ 20-202, 20-509, 20-513, and 20-514 of the Insurance Article.

Proposed Regulations

DLS Control No. 21-092

Independent Agencies:

Commission on Criminal Sentencing Policy:

Criminal Offenses and Seriousness Categories: COMAR 14.22.02.01

Criminal Offenses and Seriousness Categories: COMAR 14.22.02.02

According to the commission, the purpose of this action is to indicate modifications to the offense headings and the table of seriousness categories (guidelines offense table) in Regulations .01 and .02 under COMAR 14.22.02 Criminal Offenses and Seriousness Categories. The proposed revisions reflect new and amended offenses from the 2021 Legislative Session, the classification of several previously unclassified offenses, the addition of several offenses with a maximum penalty of one year or less, and minor edits to the table.

Proposed Regulations

DLS Control No. 21-090

Independent Agencies:

Maryland Health Benefit Exchange:

Eligibility Standards for Enrollment in a Qualified Health Plan and a Qualified Health Plan with APTC and CSR in the Individual Exchange: COMAR 14.35.07.02

Appeals from Determinations Regarding Producer Authorization or Individual Exchange Navigator Certification: COMAR 14.35.10.01

Fair Hearings of Individual Exchange Eligibility Determinations:

COMAR 14.35.11.01, .02, .09, and .12

State Based Young Adult Health Insurance Subsidies Program:

COMAR 14.35.19.01 through .07

According to the exchange, the purpose of this action is to set forth the structure, implementation, and eligibility standards for the Young Adult Health Insurance Subsidies Program, as required under § 31-117 of the Insurance Article, as well as alter existing regulations to accommodate the Young Adult Health Insurance Subsidies Program.

Maryland Department of Health

Emergency Regulations

DLS Control No. 21-089

Maryland Department of Health:

Developmental Disabilities:

Fee Payment System for Licensed Residential and Day Programs:

COMAR 10.22.17.02 and .10

According to the department, this emergency action is being requested because the department wants to allow providers to provide and bill for services to individuals.

Institute for Emergency Medical Services Systems, Maryland

Emergency/Proposed Regulations

DLS Control No. 21-093

Maryland Institute for Emergency Medical Services Systems:

Commercial Ambulance Services:

Eligibility, Application, and License Renewal: COMAR 30.09.04.08

According to the institute, in order to augment the availability of commercial ambulances to conduct interfacility transports, the EMS Board took action under the Governor's emergency declaration to allow waivers of certain personnel requirements for commercial ambulances. With the expiration of the emergency, the authority to grant the waivers will be ending. However, a need

for increased availability of fully staffed commercial ambulances to conduct interfacility transports still exists.

Insurance Administration, Maryland

Proposed Regulations

DLS Control No. 21-096

Maryland Insurance Administration:

General Regulations:

Emergency Powers: COMAR 31.01.02.06, .07, and .10

According to the administration, the purpose of this action is to amend Regulations .06, .07, and adopt Regulation .10 under COMAR 31.01.02 Emergency Powers. The changes to Regulation .06 adds the words “or investigational” to the end of the section to allow the Commissioner to require a health carrier to make a claims payment for treatment for a specified illness that the health carrier has denied as experimental. Additionally, as the COVID-19 pandemic continues, the Maryland Insurance Administration has found it necessary to update regulations during the state of emergency to allow the suspension of on-site reviews for several types of insurance professionals, this includes title insurance producers, managing general agents, and reinsurers. Also, as additional issues have been developing regarding the delay of mail being received and sent, the Maryland Insurance Administration is allowing for the extension of certain deadlines during the continuing state of emergency to rectify some of these delays. This includes requiring insurers to implement a grace period of 60 days for the receipt of premium payments, extending the deadlines for requests for hearings from consumers, premium increase protests from consumers, other complaints from consumers, and exceptions to the Office of Administrative Hearing decision from consumers. In addition, the deadline for insurance companies to respond to complaints in accordance with § 27-1001 of the Insurance Article may be extended. Finally, the changes would allow the Commissioner to extend deadlines for the Maryland Insurance Administration staff as necessary due to mail delays and the continuing effects of the ongoing pandemic.

Education, State Board of

Proposed Regulations

DLS Control No. 21-099

State Board of Education:

Supporting Programs:

Programs for Food and Nutrition: COMAR 13A.06.01.02 and .03

According to the board, the purpose of this action is to include the option of a review of the record with the right to file written information for appeals in the National School Lunch and School Breakfast Programs. Currently, regulations only allow local school systems to request a hearing.

Retirement and Pension System, State

Proposed Regulation

DLS Control No. 21-095

State Retirement and Pension System:

Membership:

Reporting Requirements of Participating Employers:

COMAR 22.04.01.01 through .04

According to the State Retirement Agency, the purpose of this action is to implement a 2019 statutory change to allow the State Retirement Agency to receive member contributions through the System's new online employer portal. Specifically, the agency will be able to accept member contributions and payroll data simultaneously through a secure online employer portal, eliminating discrepancies and administrative burdens that occur through the existing paper-based process.