



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 27, 2021	A new regulation, referenced below, was received by the AELR committee. An analysis of the regulation will		

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	<p>be sent to you once it is completed. NO ACTION IS REQUIRED AT THIS TIME.</p> <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>		

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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.

Date Received	Title and Summary	Public Hearing Scheduled, *if any	Date & Summary of any action
November 29, 2021	<p>Emergency/Proposed Regulations DLS Control No. 21-225 Maryland State Lottery and Gaming Control Agency: General Provisions: Voluntary Exclusion and Responsible Gaming: COMAR 36.01.03.01 through .08 Fantasy Competition: Online Fantasy Competition Claim Procedures: 36.09.01.01 and .02 Registration: COMAR 36.09.02.01 through .04 General Standards and Prohibitions: COMAR 36.09.03.01 through .07 Financial Standards: COMAR 36.09.04.01 through .06 Responsible Gaming: COMAR 36.09.05.01 through .03</p> <p>These proposed amendments would update the agency’s Voluntary Exclusion and Responsible Gaming programs to include sports wagering and fantasy competitions regulations. The agency hopes to incorporate changes made by passage of Ch. 356 of 2021 with respect to the fantasy competition program, which launched on May 18, 2021. In addition, it is anticipated that five sportsbooks will open by the end of December 2021, and both the fantasy competition operators and the sports wagering facility licensees need to implement these required operational changes.</p>	n/a	Emergency status beginning December 16, 2021, and expiring June 3, 2022.

Date Received	Title and Summary	Public Hearing Scheduled, *if any	Date & Summary of any action
November 23, 2021	<p>Emergency/Proposed Regulations DLS Control No. 21-221 Department of Agriculture: Office of the Secretary: Certified Local Farm Enterprise Program: COMAR 15.01.19.01 through 10</p> <p>The Maryland Department of Agriculture (MDA) is requesting Emergency Action to implement H.B. 1488 (2020 Regular Session of the Maryland General Assembly), which created the Certified Local Farm Enterprise Program. Under the Program, State agencies (including public universities) shall structure their procurement procedures for food to try to achieve an overall goal of 20 percent of the unit’s total dollar value of all such procurement contracts made directly or indirectly from Certified Local Farm Enterprises. To be certified, a local farm operation must meet the requirements of the State’s Nutrient Management Law (Title 8, Subtitle 3 of the Maryland Agriculture Article). MDA has been working with, and has received feedback from, State Agencies that will be impacted by the program. It has also developed a Central Directory, listing the local farm enterprises that the program may utilize. MDA would like to begin implementing the Program immediately.</p>	n/a	Emergency status beginning December 16, 2021, and expiring May 12, 2022.

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October 28, 2021	<p>Emergency Regulation DLS Control No. 21-188 Independent Agencies: Prescription Drug Affordability Board: Prescription Drug Affordability Fund: COMAR 14.01.02.02 through 03</p> <p>In compliance with § 21-2C-11 of the Health – General Article the board, a new agency, issued fee assessments prior to October 1, 2021. Issues have arisen concerning which entities are covered by the statute and subject to assessment. The board is requesting emergency regulations to establish and refine the procedures for reviewing and evaluating requests for waivers and exemptions from the assessment and ensuring compliance with the statute.</p>	n/a	Emergency status beginning November 16, 2021, and expiring May 6, 2022.
September 29, 2021	<p>Emergency Regulation DLS Control No. 21-169 Maryland Department of Labor: Racing Commission: Prohibited Acts: COMAR 09.10.03.01-1</p> <p>These amendments are to further the safety and welfare of horses participating in racing.</p>	n/a	Emergency status beginning November 1, 2021, and expiring April 30, 2022.

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August 27, 2021	<p>Emergency Regulation DLS Control No. 21-110 State Board of Education: State School Administration: Educational Equity: COMAR 13A.01.06.01 through .04</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. The adoption of standard regulations, which require a notice and comment period, could not be completed in the timeframe required to prevent public school closures and limit necessary quarantines during the 2021-2022 school year. Thus, emergency regulations are being proposed.</p>	09/14/2021	Emergency status beginning September 14, 2021, and expiring February 25, 2022.
August 26, 2021	<p>Emergency/Proposed Regulations DLS Control No. 21-109 Maryland Higher Education Commission: Nonpublic Schools: Requirements for Private Career Schools: COMAR 13B.01.01.19 and .26</p> <p>As we enter the post-pandemic era, private career schools that want to continue to offer online programs will need to apply for approval to do so, resulting in a financial guarantee that would make offering online education cost-prohibitive. Emergency status for these regulations will allow them to continue to offer online education</p>		Emergency status beginning September 22, 2021, and expiring January 15, 2022.

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	without interruption while the normal regulatory process is pending.		
August 20, 2021	<p>Emergency Regulations DLS Control No. 21-107 State Procurement Regulations: Administrative and Civil Remedies: Maryland State Board of Contract Appeals — General: COMAR 21.10.05.01-.02, and 04-15 Maryland State Board of Contract Appeals — Procedures For Appealing Contract Disputes: COMAR 21.10.06.01, .03-.04, .06, .08-.15, .17-.25, and .31 Maryland State Board of Contract Appeals — Procedures for Appealing Protests: COMAR 21.10.07.01-.06</p> <p>These emergency regulations are promulgated pursuant to the recently enacted legislative mandate, found in HB 940, with an effective date of May 18, 2021, requiring an applicant for a sports wagering license whose application has been denied to pursue an appeal of any protest regarding the denial of the application with the MSBCA under Title 15 of the MD Procurement Law. The MSBCA procedural regulations address and thus apply only to bid protests (i.e., protests relating to the formation of procurement contracts)—they do not address protests relating to sports wagering license applications. Accordingly, the MSBCA has proposed the following amendments to the language of its procedural regulations to address all types of protests, rather than merely bid</p>	n/a	Emergency status beginning September 9, 2021, and expiring January 27, 2022.

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	<p>protests, to ensure that its procedures address and thereby comply with this new law effective immediately.</p>		
<p>July 30, 2021</p>	<p>Emergency Regulation 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</p> <p>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.</p>	<p>n/a</p>	<p>Emergency status beginning August 26, 2021, and expiring February 1, 2022.</p>
<p>July 26, 2021</p>	<p>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</p> <p>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: (1) Provide low income seniors and</p>	<p>n/a</p>	<p>Emergency status beginning September 10, 2021, and expiring March 8, 2022.</p>

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	<p>participants in the Women, Infants, and Children Program access to locally grown fruits, vegetables, honey, and herbs; and (2) 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.</p>		

<p>July 19, 2021</p>	<p>Emergency/Proposed Regulations DLS Control No. 21-083 Maryland State Lottery and Gaming Control Agency: General Provisions: General: COMAR 36.01.01.01 and .05 Administrative Procedures: COMAR 36.01.02.04 through .06 Sports Wagering Provisions: General: COMAR 36.10.01.01 and .02 All Applicants and Licensees – Applications and Investigations: COMAR 36.10.02.01 through.14 Qualification Requirements: COMAR 36.10.03.01 through.06 Specific Requirements for Sports Wagering Facility Licensees: COMAR 36.10.04.01 through .11 Specific Requirements for Mobile Sports Wagering Licenses: 36.10.05.01 through .05 Specific Requirements for Other Licenses Required for Sports Wagering: COMAR 36.10.06.01 through .11 License Denial Procedures: COMAR 36.10.07.01 through .06 Enforcement: COMAR 36.10.08.01 through .11 Unannounced Inspections: COMAR 36.10.09.01 through .03 Enforcement of Voluntary Exclusion Program: COMAR 36.10.10.01 through .03 Mandatory Exclusion: COMAR 36.10.11.01 through .09 Collection of Taxes, Fees, and Penalties: COMAR 36.10.12.01 through .04 Sports Wagering Licensee Minimum Internal Control Standards: COMAR 36.10.13.01 through .44 Sports Wagering Requirements and Limitations: COMAR 36.10.14.01 through .07</p>	<p>n/a</p>	<p>Emergency status beginning August 5, 2021, and expiring January 25, 2022.</p>
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	<p>Sports Wagering Licensee Facility Standards: COMAR 36.10.15.01 through .04 Wagering Using Online, Web-based, or Mobile Applications: COMAR 36.10.16.01 through .06 Sports Wagering Equipment: COMAR 36.10.17.01 through .03 Sports Wagering Technical Standards: COMAR 36.10.18.01 through .06</p> <p>These are new regulations to implement the State’s new Sports Wagering Program, and enable potential licensees to utilize the agency’s eLicensing system to process requests for sports wagering licenses.</p>		
July 7, 2021	<p>Emergency Regulation DLS Control No. 21-066 Maryland Department of Labor: Division of Labor and Industry: Emergency Temporary Standards: COMAR 09.12.29.01-.02</p> <p>The Commissioner of Labor and Industry (L&I) is proposing to adopt by emergency action the federal Emergency Temporary Standard (ETS) promulgated by the Occupational Safety and Health Administration (OSHA) on June 21, 2021. The proposed emergency adoption is by incorporation by reference. Maryland Occupational Safety and Health Unit (MOSH) is seeking to adopt the federal ETS with no changes. MOSH operates under the authority of federal OSHA and must enforce standards that are “at least as effective” as those enforced by OSHA. OSHA has the authority to adopt a nationwide</p>	n/a	Emergency status beginning August 16, 2021, and expiring January 30, 2022.

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	<p>ETS under certain circumstances, and in turn, state plan states, such as Maryland, have 15 days to indicate their intent to adopt the ETS and a total of 30 days to complete that adoption. The ETS was promulgated on June 21, 2021 so MOSH is required to complete adoption by July 21, 2021. In addition, HB0581/Chapter 736, Laws of 2021 requires the Commissioner to adopt a federal COVID-19 ETS, if issued, within two weeks of the effective date of the bill which was June 11, 2021.</p>		