



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
Kathleen P. Kennedy, AELR Committee Counsel
Kelvin Kucas, AELR Committee Counsel

Date: July 22, 2022

Re: **Synopses of Regulations received from 5/13/2022 through 7/21/2022**

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
Jeremy Baker

Elections, State Board of

Emergency/Proposed 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: COMAR 33.11.03.06

According to the board, 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.

Emergency/Proposed Regulations

DLS Control No. 22-342

Board of Elections:

Absentee Ballots:

Canvass of Ballots – Rejecting Ballots: COMAR 33.11.05.04

Provisional Voting: Canvass of Ballots – Rejecting Ballots: COMAR 33.16.06.04

According to the board, emergency status is requested in order for the regulations to be in effect for the 2022 Primary and General Elections.

Emergency Regulation

DLS Control No. 22-349

Board of Elections:

Precincts, Polling Places, and Facilities:

Polling Places: COMAR 33.15.03.07

According to the board, emergency status is requested in order for the regulations to be in effect for the 2022 Primary Election.

Proposed Regulations

DLS Control No. 22-350

Board of Elections:

Administration of Public Financing Act:

Definitions; General Provisions: COMAR 33.14.01.02 through .04

Eligibility Requirements and Procedures: COMAR 33.14.02.01 through .13

Limitations on Campaign Expenditures:

COMAR 33.14.03.01 through .03, and .06- .07

Disbursement and Expenditure of Public Contributions:

COMAR 33.14.04.03 through .06

Outstanding Obligations: COMAR 33.14.05.01- .02

According to the board, the purpose of this action is to: 1) Eliminate terms no longer applicable and replaces outdated terms with new definitions; 2) Require that the Comptroller provide monthly statements of the Fair Campaign Financing Fund; 3) Repeals outdated requirements; 4) Clarify the process to establish a public financing committee and the threshold requirements to be certified to receive public funds; 5) Conform an uncontested gubernatorial election and unaffiliated and write-in candidates to the current requirements of the program; 6) Codify the deadlines for submission of a certification request for a candidate in the Primary Election and for a candidate appearing only in a general election; 7) Establish the filing periods for submission of a request to receive a public contribution and specify the necessary information and supporting documents to be included with the filed campaign finance report. 8) Establish the process for withdrawal from the Fair Campaign Financing Fund; 9) Require that the State Board determine certification within 10 business days of the initial request; 10) Codify that the first disbursement may not occur other than in the year of the election, and require the State Board process supplemental requests for public contribution within 5 business days; 11) Require that the certified gubernatorial ticket committee file a final report 90 days after last appearing on the ballot and that any unspent portion of the public contribution be returned to the Fair Campaign Financing Fund; 12) Clarify that certified gubernatorial ticket committee may receive an in-kind contribution or candidate contribution but will not be eligible for a public contribution match; 13) Conform the new statutory requirements for an eligible private contribution and codify that past contributions to a candidate count towards the aggregate the candidate is eligible to receive; 14) Establish the requirements to accept an electronic signature on a contribution card; 15) Update the requirements for submission of an expenditure and require that every expenditure made on behalf of the gubernatorial ticket committee be supported with a receipt; 16) Allow central committees to make coordinated in-kind contributions to county publicly financed candidates and set limits and the source of the funding; 17) Require that all campaign finance activity cease unless conducted through the public financing committee once a notice of intent has been filed and permit certain enumerated prior expenditures to be assumed by the public financing committee without penalty or payment; 18) Require a gubernatorial ticket committee to maintain one bank account consistent with the rules and regulations for a political committee; 19) Changes the deadline to 45 days for the final payment for services rendered to the gubernatorial ticket committee; 20) Require the payment of all outstanding obligations prior to the filing of the final report; and 21) Allow a gubernatorial ticket committee to continue to fundraise in a new election cycle to satisfy any outstanding obligation it incurred during the election.

Proposed Regulations

DLS Control No. 22-351

Board of Elections:

Precincts, Polling Places, and Facilities:

Polling Places: COMAR 33.15.03.03-.04, and .07

According to the board, the purpose of this action is to: 1) Update the parameters for reassigning the polling place of a voter's spouse or helper or for a voter based on religious objections from a polling place with the same ballot style to a polling place with identical ballot content; 2) Repeal duplicate regulations; and 3) Establish the parameters for permitting a local

board to use a building or part of a building that is owned, occupied, or partially occupied by an establishment that holds an alcoholic beverages license as a polling place.

Agriculture, Department of

Proposed Regulation

DLS Control No. 22-329

Department of Agriculture:

Soil and Water Conservation:

Agricultural Operation Nutrient Management Plan Requirements:

COMAR 15.20.07.02

According to the department, the purpose of this action is to place certain requirements and restrictions on the land application of food processing residuals (FPRs), a newly defined term. During Spring (March 1 –June 30), Summer (July 1–September 9), and the first portion of Fall (September 10–October 31), a person land-applying shall: (a) directly inject the material into the soil; or (b) incorporate the material into the soil no later than the end of the day that the application is made. If incorporated, the person must use primary tillage equipment (e.g., chisel plow, heavy disking) so that at least 95% soil coverage of the material occurs. In addition, the person must plant a crop (which in the Summer and Fall, can be a cover crop, a defined term) no later than 14 days after the land application of the material is complete. During the latter portion of Fall (November 1–December 15), a person may not land-apply a non-injectable FPR, but instead must store this material until the last day of February of the following year. For injectable FPRs, a person may inject this material into soil growing an existing crop or cover crop through December 15; and after this date, must store this material until the last day of February of the following year.

Proposed Regulation

DLS Control No. 22-334

Department of Agriculture:

Weights and Measures:

Commercial Weighing and Measuring Devices and Procedures for Testing

Packaged Goods: COMAR 15.03.01.02

According to the department, the purpose of this action is to incorporate the most recent edition to NIST (National Institute of Standards and Technology) Handbook 133 that MDA uses to verify the net quantity of contents of packages kept, offered, or exposed for sale, or sold by weight, measure or count (that being, the 2020 edition of this handbook). MDA already has incorporated by reference Handbook 133. Since it was incorporated by reference, the National Conference on Weights and Measures, which meets annually, has amended NIST Handbook 133 on several occasions.

Proposed Regulation
DLS Control No. 22-335
Department of Agriculture:
Weights and Measures:
Packaging and Labeling: COMAR 15.03.02.01

According to the department, the purpose of this action is to adopt certain sections of NIST (National Institute of Standards and Technology) Handbook 130 (2022 Edition). The National Conference on Weights and Measures recently approved these and other sections of this handbook. MDA already has incorporated by reference (from an earlier edition of Handbook 130) the following section of this handbook: “Uniform Packaging and Labeling Regulation”. MDA now intends to also incorporate by reference the section titled: “Examination Procedure for Price Verification”. This action will: (1) Ensure that accurate and adequate information on packages as to identity and quantity of contents is provided so that purchasers can make price and quantity comparisons; and (2) Provide procedures to conduct price verification inspections in any type of store, including those that use Universal Product Code scanners and price-look-up codes at the check-out counter as a means for pricing. The 2022 edition of NIST Handbook 130 is the most current edition of this handbook.

Assessments and Taxation, Department of

Proposed Regulation
DLS Control No. 22-355
Department of Assessments and Taxation:
Business Organizations:
Administration of Trade Names: COMAR 18.04.10.05

According to the department, the purpose of this action is to remove the requirement that the department mail blank trade name renewal applications to customers with expiring trade names and instead permit the mailing of expiration notices; to require that a customer’s SDAT identification number be included on a trade name renewal application.

Proposed Regulation
DLS Control No. 22-359
Department of Assessments and Taxation:
Personal Property Assessments:
General: COMAR 18.03.01.02

According to the department, the purpose of this action is to allow the department to depreciate the original cost value of personal property beyond general 75% limit that currently exists.

Proposed Regulation

DLS Control No. 22-362

Department of Assessments and Taxation:

Business Organizations:

Revival or Reinstatement of Entity Charters or Authority To Do Business:

COMAR 18.04.05.02

According to the department, the purpose of this action is to allow the department to accept evidence of tax payment upon revival or reinstatement other than solely by a certificate from local government and to eliminate a requirement that the reviving/reinstating entity supply an affidavit of tax payment.

Proposed Regulation

DLS Control No. 22-363

Department of Assessments and Taxation:

Business Organizations:

Transfers of Real Property: COMAR 18.04.06.01

According to the department, the purpose of this action is to remove a reference to articles of merger which are no longer viable under Maryland law.

Proposed Regulation

DLS Control No. 22-364

Department of Assessments and Taxation:

Business Organizations:

Acceptance of Documents: COMAR 18.04.07.02

According to the department, the purpose of this action is to give the department discretion, for demonstrated good cause, to assign a retroactive acceptance date to a resubmitted charter filing

Proposed Regulation

DLS Control No. 22-365

Department of Assessments and Taxation:

Personal Property Assessments:

Small Businesses: COMAR 18.03.06.02

According to the department, the purpose of this action is to add language referencing the controlling statutory section so that this regulation will not need to be amended every time the General Assembly makes a change to the exemption dollar figure set forth in § 7-227 of the Tax-Property Article.

Proposed Regulations

DLS Control No. 22-367

Department of Assessments and Taxation:

Business Organizations:

Expedited Filing Service: COMAR 18.04.08.02, .03, .06, and .07

According to the department, the purpose of this action is to insert the Department's Business Services Unit as the repository for expedited document filings, clarify the methods for requesting expedited document service, set fee tiers as permitted by Corporations and Associations Article, § 1-203.2, Annotated Code of Maryland, and set forth the department's responsibilities when expedited filings have been accepted.

Proposed Regulation

DLS Control No. 22-368

Department of Assessments and Taxation:

Tax Payments:

Tax Payments – Immediately Available Funds: COMAR 18.11.01.01 through .05

According to the department, the purpose of this action is to remove references to an ACH Debit as a method to pay franchise tax liability as it is no longer supported by a State contract servicer.

Budget and Management, Department of

Proposed Regulation

DLS Control No. 22-357

Department of Budget and Management:

Personnel Services and Benefits:

Leave: COMAR 17.04.11.04

According to the department, the purpose of this action is to remove language no longer in effect.

Proposed Regulation

DLS Control No. 22-361

Department of Budget and Management:

Personnel Services and Benefits:

State Employees' Health Benefits: COMAR 17.04.13.04

According to the department, the purpose of this action is to fully align health benefits eligibility with the process utilized following the implementation of the State's Human Resources Information System (HRIS).

Natural Resources, Department of

Proposed Regulation

DLS Control No. 22-314

Department of Natural Resources:

Fisheries Service:

Oysters: COMAR 08.02.04.11

According to the department, this regulation clarifies the exception to the requirement that a person cull oysters measuring less than 3 inches in length from hinge to bill and the prohibition against possessing more than 5% shells and oysters smaller than that size.

Proposed Regulation

DLS Control No. 22-327

Department of Natural Resources:

Forest and Parks:

Forest Management Programs: COMAR 08.07.03.03

According to the department, the purpose of this action is to eliminate certain fees related to the Forest Conservation and Management program, under certain circumstances. The Department's authority to charge reasonable fees for management plans, original agreements and conducting inspections, Tax-Property Article, §8-211(p), Annotated Code of Maryland, provides that the fees be designed to cover the administrative costs of conducting the program. The Department determined that the fee for preparation of the forest management plan, when prepared for submission with an inspection report or amendment, sufficiently covers the administrative cost of the program. Therefore, the proposed regulation removes the additional fees, under those circumstances.

Proposed Regulation

DLS Control No. 22-340

Department of Natural Resources:

Fisheries Service:

Fishing Licenses – Point Assignment, License Revocation and Suspension Schedule and Criteria, and Hearing Procedure: COMAR 08.02.13.06

According to the department, the purpose of this action is to modify the reporting requirements for commercial licensees who guide fishing parties. Currently, the department requires a Commercial Charter Boat Captain's Daily Log to be submitted if the trip is being taken on a vessel displaying a Charter Boat Decal. The modification would require the Daily Log submitted by all commercial licensees who guide fishing parties, regardless of whether the vessel is displaying a Charter Boat Decal.

Proposed Regulation

DLS Control No. 22-353

Department of Natural Resources:

Fisheries Service:

General: COMAR 08.02.01.13

According to the department, the purpose of this action is to establish a Fish Propagation Area on the North Branch of the Potomac River. The area would begin at the upper boundary of the upper Catch and Release Management Area and continue upstream to the outfall of Jennings-Randolph Reservoir. The department aims to provide resource protection where fish spawning occurs to maximize recruitment while improving enforcement.

Public Safety and Correctional Services, Department of

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

According to the department, 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 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.

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

According to the department, the Maryland Police Accountability Act of 2021 (HB670) 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 (SB763) 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 SB763 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.

Environment, Department of the

Emergency Regulation

DLS Control No. 22-346

Department of the Environment:

Regulation of Water Supply, Sewage Disposal, and Solid Waste:

On-site Wastewater Property Transfer Inspection License: COMAR 26.04.12.01

According to the department, 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, Environment, § 9-217.2, MD Environment § 9-217.2. 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.

Proposed Regulation

DLS Control No. 22-352

Department of the Environment:

Radiation Management:

Radiation Protection: COMAR 26.12.01.01

According to the department, the purpose of this action is to amend COMAR 26.12.01.01 Incorporation by Reference, to incorporate Supplement 32, with the following: (1) Revise the Electronic Brachytherapy regulation in Sections F.8 and F.9 (2) Incorporate the NRC RATS 2018-3, 2019-1, 2019-2, 2020-1, 2020-2, 2020-3 and (3) Miscellaneous corrections including a correction to RATS 2018-1 by adding the words "...or equivalent NRC requirements or Agreement State requirements." within Sections G.300 and G.690.

Transportation, Department of

Proposed Regulations

DLS Control No. 22-317

Department of Transportation:

Motor Vehicle Administration – Administrative Procedures:

Motor Vehicle Fees: COMAR 11.11.05.04

Motor Vehicle Administration – Vehicle Registration:

Electronic or Digital 24-Hour Registration: COMAR 11.15.39.01 through.05

According to the department, the purpose of this action is to create a fee and adopt new regulations for the issuance of an electronic or digital 24-hour registration to conform to Chapter 434, House Bill 1076, Acts of 2022.

Proposed Regulation

DLS Control No. 22-318

Department of Transportation:

Motor Vehicle Administration–Vehicle Operations:

Authorized Emergency and Service Vehicles: COMAR 11.16.02.03

According to the department, this regulation implements provisions of Chapter 204 of 2022 by authorizing certain out of state service type vehicles operating in Maryland to be equipped with and display green flashing lights or signal devices simultaneously with yellow or amber flashing lights.

Proposed Regulation

DLS Control No. 22-319

Department of Transportation:

Motor Vehicle Administration — Licensing of Businesses and Occupations:

Dealers and Salesmen: COMAR 11.12.01.01

According to the department, the purpose of this action is to define “vehicle salesman” to conform to Chapter 573, House Bill 679, Acts of 2022.

Criminal Sentencing Policy, Commission on

Proposed Regulations

DLS Control No. 22-313

Independent Agencies:

Commission on Criminal Sentencing Policy:

General Regulations: COMAR 14.22.01.10

Criminal Offenses and Seriousness Categories: COMAR 14.22.02.02

According to the commission, these regulations alter the computation of the offender score under the State's voluntary sentencing guidelines. They also change the offense type categorization for arson in the first degree in the table of seriousness categories.

Proposed Regulation

DLS Control No. 22-333

Independent Agencies:

Maryland Health Benefit Exchange:

State Based Young Adult Health Insurance Subsidies Program:

COMAR 14.35.19.04

According to the exchange, the purpose of this action is to bring the basis of calculation of Young Adult Health Insurance Subsidy payments into alignment with Md. Ins. Art. § 31-122 by extending last dollar coverage to certain enrollees.

Proposed Regulation

DLS Control No. 22-320

Independent Agencies:

Interagency Commission on School Construction:

Administration of the Public School Construction Program: COMAR 14.39.02.05

According to the agency, the purpose of this action is to codify changes to the State cost share formula in accordance with 2022 Md. Laws, Ch.32.

Maryland Department of Health

Proposed Regulations

DLS Control No. 22-315

Maryland Department of Health:

Medical Care Programs:

Employed Individuals with Disabilities: COMAR 10.09.41.04 and .07

According to the department, the purpose of this action is to expand the eligible population for the Employed Individuals with Disabilities Program by establishing less restrictive financial eligibility requirements and setting new premium levels for higher-income participants.

Proposed Regulations

DLS Control No. 22-316

Maryland Department of Health:

Medical Care Programs:

Community-Based Substance Use Disorder Services:

COMAR 10.09.80.01, .03, .05, .06, and .08

According to the department, the purpose of this action is to update licensing information and add a combination of service rule requirement for substance use disorder providers who bill for laboratory services. The proposed action effectuates a 3.5 percent rate increase for community-based substance use disorder services, in accordance with the FY 2022 State budget and preserves rates in effect for the first half of Fiscal Year (FY) 2021, and an additional 5.4 percent one-time rate increase, effective November 1, 2021, enabled by The American Rescue Plan Act of 2021. Finally, the proposed action updates service limitations to align telehealth requirements with the provisions of Ch. 71 (S.B. 3), Acts of 2021, "Preserve Telehealth".

Proposed Regulations

DLS Control No. 22-321

Maryland Department of Health:

Medical Care Programs:

Nursing Facility Services: COMAR 10.09.10.07, .08, .19, .21, and .22

According to the department, the purpose of this action is to update the budget adjustment factors for Fiscal Years 2021 and 2022, extend the sunset date for the Interim Working Capital Fund for one year, and to clarify cost reporting and field verification requirements for out-of-state nursing facilities. The proposal also corrects the percentage of the budget allocation for nursing facility services based on the pay-for-performance scores.

Proposed Regulations

DLS Control No. 22-322

Maryland Department of Health:

Medical Care Programs:

Maryland Medicaid Managed Care Program: Rare and Expensive Case

Management: COMAR 10.09.69.14 and .17

According to the department, the purpose of this action is to effectuate a 4 percent rate increase for rare and expensive case management services provided in the Fiscal Year (FY) 2022 budget. Additionally, it preserves the rates in effect for the first half of FY 2021. Finally, this action updates the REM qualifying diagnoses in accordance with ICD-10, effective on January 1, 2022.

Proposed Regulation

DLS Control No. 22-323

Maryland Department of Health:

Medical Care Programs:

Early and Periodic Screening, Diagnosis, and Treatment:

Nursing Services for Individuals Younger than 21 Years Old: COMAR 10.09.53.07

According to the department, the purpose of this action is to implement a one-time, 5.2 percent increase for services provided through the American Rescue Plan, and to implement consistent policies for maintaining fee schedules.

Proposed Regulation

DLS Control No. 22-324

Maryland Department of Health:

Medical Care Programs:

Medical Day Care Services: COMAR 10.09.07.08

According to the department, the purpose of this action is to implement a 4 percent rate increase for medical day care services, in accordance with the Fiscal Year 2022 State Budget, as well as a one-time 5.2 percent increase provided by the American Rescue Plan Act (ARPA).

Proposed Regulation

DLS Control No. 22-325

Maryland Department of Health:

Board of Physicians:

Hearings Before the Board of Physicians: COMAR 10.32.02.10

According to the department, this regulation updates sanctioning guidelines for physicians, which governs sanctions the Maryland Board of Physician's disciplinary panel may impose on physicians for violations of specified sections of the Health Occupations Article. The regulation also updates statutory authority for COMAR 10.32.02. These changes are primarily a reflection of recent statutory changes.

Proposed Regulations

DLS Control No. 22-326

Maryland Department of Health:

Board of Physicians:

General Licensure Regulations: COMAR 10.32.01.03

Hearings Before the Board of Physicians: COMAR 10.32.02.03

According to the department, the purpose of this action is to correct a typographical error in the current regulations, and update language to correct a discrepancy between the current regulations and §14-307(g)(2)(ii) of the Health Occupations Article.

Proposed Regulations

DLS Control No. 22-347

Maryland Department of Health:

Mental Hygiene Regulations:

Involuntary Admission to Inpatient Mental Health Facilities:

COMAR 10.21.01.04 and .08

According to the department, the purpose of this action is to: (1) Define "danger" for purposes of emergency psychiatric evaluation and involuntary admission to a facility; and(2) Update the Involuntary Admission Certificate requirements to include licensed certified social worker-clinical and licensed clinical professional counselor in accordance with Ch. 476, Acts of 2021.

Proposed Regulations

DLS Control No. 22-356

Maryland Department of Health:

Medical Care Programs:

Therapeutic Behavioral Services: COMAR 10.09.34.01 through .04, and .06

According to the department, the purpose of this action is to update reimbursement rates for Therapeutic Behavioral Services (TBS) in accordance with Ch. 357 (H.B. 588), Fiscal Year 2022, the American Rescue Plan Act and CMS Final Rule 1715-F. Additionally, this action clarifies the services covered for reassessments and removes the term “recipient” and replaces it with “participant.”

Proposed Regulation

DLS Control No. 22-358

Maryland Department of Health:

Medical Care Programs:

Applied Behavior Analysis Services: COMAR 10.09.28.01 through .06

According to the department, the purpose of this action is to: (1) Update definitions, provider qualifications, conditions for participation, participant eligibility, and covered services to reflect current industry terminology and practice;(2) Alter requirements for parental/caregiver participation in the provision of ABA services; (3) Add a statement requiring consent of ABA services by the participant or participant’s parent or guardian;(4) Preserve rates in effect for the first and second half of FY 2021; and(5) Effectuate a 3.5 percent rate increase for ABA services effective January 1, 2021, in accordance with the FY 2021 State budget and the Governor’s directive and a 5.4 percent rate increase for ABA services effective November 1, 2021 in accordance with the American Rescue Act that occurred during FY 2022.

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

According to the department, 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.

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.

Labor, Maryland Department of

Proposed Regulation

DLS Control No. 22-341

Maryland Department of Labor:

Workforce Development and Adult Learning:

Tax Credit for Eligible Apprentices: COMAR 09.37.04.01 through .08

According to the department, the purpose of this action is to ensure proper procedures in administration, execution, and oversight of Senate Bill 751 or the Apprenticeship Start-Up Act of 2020 (Tax -General Article § 10-742) by outlining the: • criteria under the Act;• application procedures;• approval/denial process; and• monitoring continuing eligibility.

Proposed Regulations

DLS Control No. 22-345

Maryland Department of Labor:

Division of Labor and Industry:

Amusement Attractions – Attraction Specific Provisions:

COMAR 09.12.60.02, .03, .05 through .09, and .11 through 16

Amusement Attractions – General Provisions: COMAR 09.12.61.01 through .08

Amusement Attractions Erected Permanently or Temporarily at Carnivals, Fairs, and Amusement Parks: COMAR 09.12.62.01 through .20

Passenger Ropeways: COMAR 09.12.65.01 through .02

Inflatable Amusement Attractions: COMAR 09.12.66.01, .03, and .10

According to the department, the purpose of this action is to reorganize and simplify the regulations related to amusement attractions. First, this action adds a new Chapter 60 Amusement Attractions – General Provisions that will apply to all attractions. A new Chapter 61 Amusement Attraction – Attraction Specific Provisions addresses specific provisions for ropeway-aerial lifts, towers and conveyors, challenge courses, and canopy tours as well as provides cross-references for other amusement attractions. Chapter 62 Amusement Attractions Erected Permanently or Temporarily at Carnivals, Fairs and Amusement Parks is recodified to establish the specific requirements for amusement attractions other than challenge courses, ropeway-aerial lifts and inflatable amusement attractions. Chapter 62 also is amended to clarify which injuries must be reported to facilitate proper reporting. Chapter 65 Passenger Ropeways is repealed as its provisions are now covered in other chapters.

In addition to recodification to simplify the amusement attraction regulations, Chapter 60 Amusement Attractions — General Provisions, is amended to clarify the following: (1) requirements for identification of certain amusement attraction components; (2) requirement that operation manuals address pre-opening inspection lists and procedures as well as operator compliance to operator manuals; (3) requirements for training and documentation requirements; (4) explanation of which injuries must be reported to facilitate proper reporting. Chapter 66 Inflatable Amusement Attractions is amended to clarify which injuries must be reported to facilitate proper reporting.

Finally, this action adopts through incorporation by reference the ANSI/ACCT 03-2016 Challenge Courses and Canopy/Zip Line Tours Standard to provide a regulatory framework for the Challenge Course and Canopy/Zip Line Tour industry.

Higher Education Commission, Maryland

Proposed Regulation

DLS Control No. 22-336

Maryland Higher Education Commission:

Financial Aid:

2+2 Transfer Scholarship Program: COMAR 13B.08.01.02

According to the commission, the purpose of this action is to remove the use of the federally calculated expected family contribution (EFC) as a measure of financial need for this scholarship, pursuant to The Maryland Student Investment Act (Ch. 23, Acts of 2022), in anticipation of the U.S. Department of Education phasing out the use of the EFC in favor of the student aid index (SAI).

Proposed Regulation

DLS Control No. 22-343

Maryland Higher Education Commission:

Financial Aid:

Edward T. and Mary A. Conroy Memorial Scholarship Program and Jean B. Cryor Memorial Scholarship Program: COMAR 13B.08.13.03

According to the commission, the purpose of this action is to expand eligibility for the program to include students at private career schools, pursuant to The Maryland Student Investment Act (Ch. 23, Acts of 2022).

Proposed Regulations

DLS Control No. 22-344

Maryland Higher Education Commission:

Financial Aid:

**Workforce Shortage Student Assistance Grant Program:
COMAR 13B.08.14.02, .06, and .07**

According to the commission, the purpose of this action is to update the application and selection processes for this grant to provide for applicants who have obtained their GED, but have not yet enrolled in a college or university. Currently, students are required to submit a high school or college transcript and applicants are selected primarily based on GPA; financial need is a secondary factor or, for students who do not submit the FAFSA, not taken into account at all. The proposed amendments make two primary changes. First, they provide for the submission of GED examination scores in lieu of a transcript. Second, because students in this category are unable to

submit a transcript, and, therefore, cannot be ranked for selection based on GPA, a FAFSA filing requirement has been added and all students who meet a minimum GPA or GED examination threshold are selected based on greatest financial need. Additionally, the proposed amendments make some minor changes in language and organization to enhance clarity.

Insurance Administration, Maryland

Proposed Regulations

DLS Control No. 22-312

Maryland Insurance Administration:

Assets, Liabilities, Reserves, and Investments of Insurers:

Credit for Reinsurance: COMAR 31.05.08.02 and .29

According to the administration, the purpose of this action is to amend regulation .02 and adopt regulation .29 under COMAR 31.05.08 Credit for Reinsurance. During the 2021 legislative session, Senate Bill 120 was passed as Chapter 104, Acts of 2020, which implemented the NAIC Credit for Reinsurance Model Law #785. Chapter 104 provides the authority for the Maryland Insurance Administration to adopt NAIC Model Regulation #787 Term and Universal Life Insurance Reserve Financing Model Regulation, which establishes uniform, national standards governing reserve financing arrangements pertaining to term and universal life insurance policies with secondary guarantees. This regulatory change adopts Model Regulation #787, which is an accreditation standard for the Maryland Insurance Administration.

Proposed Regulations

DLS Control No. 22-328

Maryland Insurance Administration:

General Regulations:

Emergency Powers: COMAR 31.01.02.01, .03, and .05

According to the administration, the purpose of this action is to amend Regulations .01, .03, and .05 under COMAR 31.01.02 Emergency Powers. Specifically, during the 2022 legislative session, House Bill 536 passed as Chapter 495, Acts of 2022. These regulatory changes implement the changes pursuant to Chapter 495. Specifically, Chapter 495 amended Section 2-115 of the Insurance Article to: (1) Authorize the Maryland Insurance Commissioner to apply the emergency regulations when a national or public health emergency the Commissioner determines affects the State is declared by the President of the United States under provisions of the federal National Emergencies Act or the U.S Secretary of Health and Human Services under the federal Public Health Services Act and is based on a serious threat to health resulting from the existence of a deadly agent;(2) Provide that any regulation issued under these circumstances may not apply beyond the duration of the President's or Secretary of Health and Human Service' declaration;(3) Require carriers offering Medicare supplement plans in Maryland to provide a guaranteed issue period during the 63 days after a public health emergency ends, when certain eligible individuals terminated from Medicaid more than six months following the effective date

of enrollment in Medicare Part B may enroll in any Medicare supplement policy without underwriting or imposition of a pre-existing condition exclusion.

Lottery and Gaming Control Agency, Maryland State

Proposed Regulations

DLS Control No. 22-330

Maryland State Lottery and Gaming Control Agency:

Gaming Provisions:

Video Lottery Facility Minimum Internal Control Standards:

COMAR 36.03.10.07, .27, and .37

Video Lottery Terminals: Video Lottery Technical Standards: COMAR 36.04.01.11

Sports Wagering Provisions: Specific Requirements for Mobile Sports Wagering

Licenses: COMAR 36.10.05.04

Sports Wagering Licensee Minimum Internal Control Standards:

COMAR 36.10.13.06

According to the agency, these regulations: (1) update reporting requirements for certain video lottery facility and sports wagering transactions; (2) correct inconsistencies in the rule regarding counter check procedures; (3) conform to Chapter 692 of 2021, which reduced the minimum average payout percentages for video lottery terminals; (4) alter the map used to verify a mobile bettor's geographic location in the State; and (5) make clarifying changes.

Retirement and Pension System, State

Proposed Regulation

DLS Control No. 22-354

State Retirement and Pension System:

Board of Trustees:

Election of Trustees: COMAR 22.03.01.01 through .12

According to the State Retirement Agency, the purpose of this action is to provide clarifying changes to the regulations governing trustee elections for the Board of Trustees of the State Retirement and Pension System. These changes include: (1) Expanding COMAR 22.03.01.01 to conform with Chapter 253 of the Acts of 2022. Definitions for Active Member and Retiree were added to support the addition of Candidate and Certified Candidate definitions. (2) Clarifying and updating the trustee terms of office and the years when trustees are elected. (3) Clarifying and simplifying the language regarding the time frame for a trustee election and the announcement of results. (4) Clarifying what is what will be included in a trustee election notice and the posting requirements of the election notice on the State Retirement Agency website. (5) Providing more detail regarding the trustee nomination period. (6) Amending the term "eligible voter" under COMAR 22.03.01.06 to provide a clearer and more accurate term "candidate" for purposes of trustee elections. COMAR 22.03.01.06 also modifies the description

of what materials a candidate needs to submit in order to become a certified candidate and adds a new section that clarifies what a candidate's campaign materials cannot contain, in order to confirm the neutrality of the State Retirement Agency and Board of Trustees, and to guard the accuracy of information provided to those voting. (7) Clarifying how trustee ballots are handled, including an express limitation that an eligible voter may vote only once. (8) Clarifying the publication of the trustee election results on the State Retirement Agency's website and social media sites. (9) Clarifying the time frame in which an unsuccessful certified trustee candidate may petition for a recount of the ballots.