



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 V. Lucas, AELR Committee Counsel

Date: April 1, 2024

Re: **Synopses of Regulations received from 12/1/2023 through 3/31/2024**

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.

GAC:KPK:KVL/mjp

cc: Sally Robb
Jeremy Baker

Elections, State Board of

Proposed Regulations

DLS Control No. 24-014

Board of Elections:

Inspection and Copying of Public Records: In General: COMAR 33.04.01.02 and .07

Confidentiality of Certain Information: COMAR 33.04.02.01 – .03

According to the board, the purpose of this action is to (1) formally adopt a definition of “sociological information” and to protect the sensitive personal information of its voters. (2) amend and clarify confidentiality regulation

Assessments and Taxation, Department of

Proposed Regulation

DLS Control No. 23-315

Department of Assessments and Taxation: Assessment Administration:

Appeal Hearings: COMAR 18.01.02.03

According to the department, this regulation requires that a property tax appeal filed by a representative on behalf of a property owner or taxpayer must be authorized by the property owner or taxpayer.

Proposed Regulation

DLS Control No. 23-317

Department of Assessments and Taxation: Exemptions:

Disabled Veteran, Surviving Spouse, Disabled Active Duty Service Member:

COMAR 18.06.03.01

According to the department, this regulation defines “legal residence” to mean “principal residence” for purposes of the property tax exemption for the dwelling house of a disabled veteran, surviving spouse, or disabled active duty service member.

Housing and Community Development, Department of

Proposed Regulations

DLS Control No. 23-329

Department of Housing and Community Development: Revitalization Programs:

Business Façade Improvement Program: COMAR 05.20.06.01 – .09

According to the department, the regulations establish policies and procedures related to the Business Façade Improvement Program in the Department of Housing and Community Development, as established by Chapter 437 of 2023.

Department of Human Services

Emergency Regulation

DLS Control No. 23-355

Department of Human Services:

Social Services Administration Private Child Placement Agencies:

License for Private Child Placement Agencies: COMAR 07.05.01.14

According to the department, this regulation alters the educational requirements for child placement workers in private child placement agencies.

Natural Resources, Department of

Proposed Regulation

DLS Control No. 24-013

Department of Natural Resources:

Boating–Speed Limits and Operation of Vessels:

Severn River Vessel Management Area: COMAR 08.18.24.01

According to the department, the purpose of this action is to establish a 6-knot effective at all times speed limit for an area extending for approximately 175 yards into the Severn River from each side of the yard patrol pier and quay wall construction project at the Naval Support Activity in Annapolis, Maryland. This regulation will be in effect through October 15, 2025. The proposed action is required to ensure public safety and protect human life. Without an established speed limit, the construction zone poses safety threats for all waterway users, employees, and contractors.

Proposed Regulation

DLS Control No. 24-020

Department of Natural Resources: Fisheries Service:

Fish: COMAR 08.02.05.10

According to the department, the purpose of this action is to take the recreational rules for bluefish out of regulation and to establish the season, size, and catch limit on an annual basis by public notice. There are currently rules established in regulation that may be modified by public notice. This leads to potential confusion because the rule in the public notice does not match the rule in the regulation. While the public notice effectively overrules the regulation, it may still not be fully clear to affected individuals. The regulation also modifies the public notice authority to no longer require publication in a newspaper. All of the Department’s public notices are posted on

the Fishing Public Notice page and emailed to the Department's email listserv. Most notices are also posted on the Department's social media pages.

Proposed Regulation

DLS Control No. 24-022

Department of Natural Resources: Fisheries Service:

Yellow Perch: COMAR 08.02.21.03

According to the department, the purpose of this action is to modify the commercial yellow perch season to start a month earlier than the current regulation establishes. The fishery has been opened December 1 by public notice for several years to allow for fish potters, and others, to harvest yellow perch against the commercial quota. This has been beneficial to commercial yellow perch permit holders, but has not created any overages in the yellow perch quota.

Planning, Department of

Proposed Regulations

DLS Control No. 24-004

Department of Planning: Historical and Cultural Programs:

Maryland Historical Trust African American Heritage Preservation Grant

Program: COMAR 34.04.09.06, .08, and .09

According to the department, the regulations amend the Maryland Historical Trust African American Heritage Preservation Program to reflect Chapter 29 of 2022 by eliminating the match requirement for grant applicants and capping grant amounts at \$500,000.

Environment, Department of the

Proposed Regulations

DLS Control No. 24-006

Department of the Environment:

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

Quality of Drinking Water in Maryland: COMAR 26.04.01.01, .01-1, .20, and .37

According to the department, the purpose of this action is to clarify and formalize procedures. Current MDE regulations in COMAR 26.04.01.20B [Tier 1 Public Notices] do not explicitly include outages, flooded wells or flooded springs as Tier 1 public notices. However, these issues occur in water systems regularly and are a risk to public health. This proposed regulation describes actions that must be taken during an outage or flooded well/spring incident. This proposed action and an upcoming guidance manual (not cited in the regulation) will provide clear instructions for water systems to: issue a BWA for an Outage or flooded well/spring (when and how); notify MDE that a BWA has been issued; use relevant standards that should be followed for disinfection during an outage, flooded wells and flooded springs; monitor water quality by

sampling prior to lifting a BWA; lift a BWA; notify MDE that a BWA has been lifted; and maintain records for outages, a flooded well/spring, and any BWA.

Proposed Regulation

DLS Control No. 24-009

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 34, with the following: 1. Remove section C.43 (h) on page C53-32. Correct the phrase from “master material license” to “master material licensee.” In section G.50 (3) on page G15-1; 3. Correct the title “American Council on Pharmaceutical Education (ACPE)” to: “Accreditation Council for Pharmacy Education (ACPE) (previously named the American Council on Pharmaceutical Education).” In section G.55 (a)(1) on page G17; 4. Correct the phrase “or a permit issued by a Commission master material license of broad scope on or before October 24, 2005,” to “or a permit issued in accordance with a Commission master material broad scope license on or before October 24, 2005.” In section G.57 (b)(2) on page G19

Proposed Regulation

DLS Control No. 24-015

Department of the Environment: Air Quality:

Permits, Approvals, and Registration – Title V Permits: COMAR 26.11.03.24

According to the department, the purpose of this action is to repeal Regulation .24 from COMAR 26.11.03 Permits, Approvals, and Registration – Title V Permits. This action will not be submitted to the U.S. Environmental Protection Agency (EPA) for approval as part of Maryland's State Implementation Plan.

Transportation, Department of

Proposed Regulations

DLS Control No. 23-326

Department of Transportation:

Motor Vehicle Administration – Motorcycle Safety Program:

Motorcycle Safety Training Centers: COMAR 11.20.01.01, 2-1, .03 – .18, and .20 - .33

According to the department, these regulations make numerous changes to the Motorcycle Safety Program administered by the Maryland Department of Transportation Motor Vehicle Administration (MVA), including alterations to requirements for operators of independent training centers, independent training center facilities, program instructors, and students.

Proposed Regulations

DLS Control No. 23-330

Department of Transportation:

Motor Vehicle Administration – Vehicle Inspections:

General Inspection: COMAR 11.14.01.01 – .18

Safety Standards for Passenger Cars, Taxicabs, Light Trucks, Vans, Multipurpose Passenger Vehicles, and Type II School Vehicles: COMAR 11.14.02.01 – .29

According to the department, these regulations (1) repeal existing chapters regarding the licensing of vehicle inspection stations and the registration of inspection mechanics; (2) propose new chapters removing unnecessary and obsolete language; (3) update references and address changes in automotive standards and emerging technologies; and (4) incorporate current policy and procedures.

Children, Office for

Proposed Regulations

DLS Control No. 24-002

Independent Agencies: Office for Children:

Rate Setting for Child Care Providers: COMAR 14.31.04.01 – .10

According to the office, the purpose of this action is to facilitate the establishment of classes of direct care and clinical care, the determination of rates for Residential Child Care (RCC) programs based on such classes, and an updated rate setting methodology. The revisions apply to residential child care services licensed by the Department of Human Services, Department of Juvenile Services, Maryland Department of Health, and any State Department.

Emergency/Proposed Regulations

DLS Control No. 24-019

Maryland Department of Health: Natalie Laprade Medical Cannabis Commission:

Definitions: COMAR 10.62.01.01

General Regulations: COMAR 10.62.02.01 – .03 and .05

Certifying Physicians: COMAR 10.62.03.01 – .03

Patient and Caregiver Registry: COMAR 10.62.04.01 – .06

Written Certifications: COMAR 10.62.05.01 and .02

Patient and Caregiver Identification Cards: COMAR 10.62.06.01 – .07

New Condition Approval Process: COMAR 10.62.07.01 – .06

Medical Cannabis Grower License: COMAR 10.62.08.01 – .14

Medical Cannabis Grower Agent: COMAR 10.62.09.01 – .09

Medical Cannabis Grower Premises: COMAR 10.62.10.01 – .08

Medical Cannabis Growing Controls: COMAR 10.62.11.01 – .04

Inventory Control by Grower: COMAR 10.62.12.01 – .09

Medical Cannabis Shipment Packaging: COMAR 10.62.13.01 and .02

Licensed Grower Dispensary Facility: COMAR 10.62.14.01 and .02

Medical Cannabis Grower Quality Control: COMAR 10.62.15.01 – .07

Licensed Independent Testing Laboratory Registration: COMAR 10.62.16.01 – .06

Complaints, Adverse Events, and Recall: COMAR 10.62.17.01 – .04

Shipment of Products Between Licensees: COMAR 10.62.18.00 – .10 and .9999

Medical Cannabis Processor License: COMAR 10.62.19.01 – .12

Medical Cannabis Processor: COMAR 10.62.20.01 – .09

Medical Cannabis Processor Premises: COMAR 10.62.21.01 – .07

Medical Cannabis Processor Operations: COMAR 10.62.22.01 – .06

Medical Cannabis Concentrates and Medical Cannabis-Infused Products:
COMAR 10.62.23.01 – .06

Medical Cannabis Finished Products Packaging: COMAR 10.62.24.01

Medical Cannabis Dispensary License: COMAR 10.62.25.01 – .13

Registered Dispensary Agent: COMAR 10.62.26.01 – .09

Licensed Dispensary Premises: COMAR 10.62.27.01 – .10

Licensed Dispensary Operations: COMAR 10.62.28.01 – .06

Licensed Dispensary Packaging and Labeling for Distribution:
COMAR 10.62.29.01 and .02

Dispensing Medical Cannabis: COMAR 10.62.30.01 – .10

Licensed Dispensary Clinical Director: COMAR 10.62.31.01

Records: COMAR 10.62.32.01 – .03

Inspection: COMAR 10.62.33.01 – .08

Discipline and Enforcement: COMAR 10.62.34.01 – .09

Fee Schedule: COMAR 10.62.35.01

Academic Research: COMAR 10.62.36.01 – .06

Edible Cannabis Products: COMAR 10.62.37.01 – .21

Maryland Cannabis Administration: General Regulations: COMAR 14.17.02.03

Social Equity: COMAR 14.17.03.01 and .03

Medical Cannabis Program: COMAR 14.17.04.01 – .03 and .06 – .08

Application Process and Issuance of Licenses: COMAR 14.17.05.03 and .05 – .07

Standard Cannabis Licenses: COMAR 14.17.06.01 – 03, .05, .06, and .08 – .10

Micro Licenses: COMAR 14.17.07.01 – .04, .06, and .07

Laboratory Registration and Operations: COMAR 14.17.08.01 – .04, .06, and .07

Other Cannabis Business: COMAR 14.17.09.01 – .03

Cannabis Grower Operations: COMAR 14.17.10.01 – .09

Cannabis Processor Operations:

COMAR 14.17.11.01 – .05, .05-1 – 05-9, and .06 – .10

Cannabis Dispensary Operations: COMAR 14.17.12.01 – .11

Cannabis Products: COMAR 14.17.13.01 – .11

Complaints, Enforcement, Record Keeping, and Inspections of Cannabis

Businesses: COMAR 14.17.14.01 – .06

Cannabis Business Agents: COMAR 14.17.15.01 – .05

Cannabis Business Owners: COMAR 14.17.16.01 – .05

Secured Creditors and Receivership: COMAR 14.17.17.01 – .07

Finished Product Packaging: COMAR 14.17.18.01 – .07

Cannabis Research: COMAR 14.17.19.01 – .05

Prohibited Acts: COMAR 14.17.20.01 and .02

Fees: COMAR 14.17.21.01 and .02

Hearing Procedures: COMAR 14.17.22.01 – .12

According to the department, this emergency action is necessary to ensure that revised regulations replace the emergency regulations that took effect July 1, 2023.

Proposed Regulations

DLS Control No. 24-007

Independent Agencies:

Commission on Criminal Sentencing Policy:

General Regulations: COMAR 14.22.01.10 and .12

Criminal Offenses and Seriousness Categories: COMAR 14.22.02.02

According to the commission, the purpose of this action is to modify Regulations .10 and .12 under COMAR 14.22.01 General Regulations and Regulation .02 under COMAR 14.22.02 Criminal Offenses and Seriousness Categories to replace references to “adjudication of guilt” with “adjudication”, “convicted offense” with “offense”, and “conviction” with “adjudication” or “offense” in instances where the intended meaning of “conviction” includes probation before judgement (PBJ) pursuant to either CP, § 6-220(b) or CP, § 6-220(c). Additionally, the purpose of this action is to modify the table of seriousness categories (guidelines offense table) in Regulation .02 under COMAR 14.22.02 Criminal Offenses and Seriousness Categories to include several missing CJIS Codes.

Proposed Regulations

DLS Control No. 24-001

Independent Agencies:

Maryland Energy Administration:

Clean Energy Grant Program: COMAR 14.26.04.01 – .13

Maryland Energy Storage Systems Tax Credit Program: COMAR 14.26.06.01 – .11

According to the administration, the purpose of this action is to repeal regulations related to programs that are no longer administered by the Administration.

Proposed Regulations

DLS Control No. 23-331

Independent Agencies:

State Higher Education Labor Relations Board: Definitions: COMAR 14.30.01.01

General: COMAR 14.30.02.01 – .05

Executive Director: COMAR 14.30.03.01 and .02

Petitions: COMAR 14.30.04.01 – .12

Elections: COMAR 14.30.05.01 – .09, .09-1, and .10 – .17

Denial or Revocation of Certification: COMAR 14.30.06.01 and .02

Unfair Labor Practices: COMAR 14.30.07.01 – .04

Permissible Labor-Related Activities: COMAR 14.30.08.01 – .26

Collective Bargaining: COMAR 14.30.09.01 – .03

Impasse Procedures: COMAR 14.30.10.01 – .24

Hearings: COMAR 14.30.11.01 – .27

Procedures Governing Employee Information: COMAR 14.30.12.01 – .05

Collective Bargaining: COMAR 14.30.13.01

Impasse Procedures for Collective Bargaining: COMAR 14.30.14.01 – .05

Negotiability Disputes : COMAR 14.30.15.01 and .02

According to the board, these regulations repeal and replace the current regulations that pertain to the State Higher Education Labor Relations Board. The regulations establish a new regulatory framework under the Public Employee Relations Board and provides new definitions and clarifies procedures, filing requirements, and jurisdictional issues for the newly established board.

Proposed Regulations

DLS Control No. 24-003

Independent Agencies: Interagency Commission on School Construction:

Administration of the Public School Construction Program:

COMAR 14.39.02.01 – .22

According to the agency, the purpose of this action is to incorporate by reference the adopted Gross Area Baselines and amend State Rated Capacity calculation requirements for certain physical education and gymnasium spaces.

Proposed Regulation

DLS Control No. 24-010

Independent Agencies:

Maryland Technology Development Corporation:

Investment Programs: COMAR 14.04.02.03

According to the commission, the purpose of this action is to update the regulations to conform to Ch. 391, Acts of 2022, by amending the Maryland Technology Development Corporation's ("TEDCO") Investment Philosophy and Types of Qualified Business to exclude all investments under the Maryland Equity Investment Fund ("MEIF") from the "early-stage business" definition provided in COMAR 14.04.01.01, which is generally applicable to new TEDCO investments. This amendment will broaden the scope of eligibility requirements for investments by MEIF, will enable later-stage venture and private equity companies to apply for an MEIF investment, and will better align MEIF investments with the investment policy of the State Retirement and Pension System ("SRPS").

Maryland Department of Health

Proposed Regulations

DLS Control No. 23-316

Maryland Department of Health: Board of Occupational Therapy Practice:

Dry Needling: COMAR 10.46.09.01 – .04

According to the department, these regulations create education, training, and practice requirements for the performance of dry needling by occupational therapists.

Proposed Regulations

DLS Control No. 23-318

Maryland Department of Health: Board of Pharmacy:

Pharmacist Prescribing of a Nicotine Replacement Therapy Medication:

COMAR 10.34.42.01 – .03

According to the department, the regulations specify the conditions under which a pharmacist may prescribe and dispense nicotine replacement therapy medication, establish standard procedures that a pharmacist must use to prescribe and dispense the medication, and establish procedures for a pharmacist to refer a patient to a primary care practitioner for treatment.

Proposed Regulations

DLS Control No. 23-319

Maryland Department of Health: Sanitation:

Public Swimming Pools and Spas: COMAR 10.17.01.01 – .06-1, .07 – 28-1, .29 – .55

According to the department, these regulations reorganize and restate existing regulations to provide clarity regarding the application of standards for the operation and construction of

public swimming pools and public spas. These regulations also incorporate by reference the most recent version of the American National Standard for Public Swimming Pools (ANSI/APSP/ICC).

Proposed Regulations

DLS Control No. 23-320

Maryland Department of Health: Medical Care Programs:

Maryland Children's Health Program: COMAR 10.09.11.11

Medical Assistance Eligibility: COMAR 10.09.24.02, .07, and .12

Maryland Children's Health Program (MCHP) Premium:

COMAR 10.09.43.10 and .13

According to the department, these regulations (1) implement continuous eligibility for Maryland Medical Assistance Program (Medicaid) and Maryland Children's Health Program (MCHP) enrollees younger than age 19 as required by the federal Consolidated Appropriations Act, 2023 (CAA); (2) prevent disenrollment of children from MCHP Premium for nonpayment of premiums during their period of continuous eligibility; and (3) implement an Express Lane Eligibility (ELE) program to expedite enrollment of individuals into Medicaid and MCHP based on eligibility findings by the Supplemental Nutrition Assistance Program (SNAP) as required by Chapters 282 and 283 of 2023.

Proposed Regulations

DLS Control No. 23-321

Maryland Department of Health: Food:

Food and Drink Processing and Transportation:

COMAR 10.15.04.01, .02, .04 – .11, and .14 – .25

According to the department, the regulations revise COMAR 10.15.04 Food and Drink Processing and Transportation, to align the regulations with current practices, national guidelines, and federal regulations.

Proposed Regulations

DLS Control No. 23-322

Maryland Department of Health: Hospitals:

Assisted Living Programs: COMAR 10.07.14.01 – .65

According to the department, the regulations establish the minimum standards, requirements, and procedures for the licensure and operations of assisted living programs in the State.

Proposed Regulations

DLS Control No. 23-323

Maryland Department of Health: Medical Care Programs:

Pharmacists: COMAR 10.09.21.02 – .06

According to the department, these regulations authorize pharmacists to be reimbursed under the Maryland Medical Assistance Program (Medicaid) for services rendered within the pharmacists' lawful scope of practice. The regulations also establish reimbursement requirements for medication therapy management services provided by pharmacists under the program.

Proposed Regulations

DLS Control No. 23-324

Maryland Department of Health: Food:

Production, Processing, Transportation, Storage, and Distribution of Grade A Milk:

COMAR 10.15.06.02, .03, .05, .10, and .11

According to the department, the regulations authorize Maryland dairy producers to extend the duration between pickups from dairy farms. Additionally, the regulations enable processing facilities to legally produce milk and dairy products with an extended shelf life through ultra-pasteurization.

Proposed Regulations

DLS Control No. 23-325

Maryland Department of Health: Medical Care Programs:

Nursing Facility Services: COMAR 10.09.10.07 and .08

According to the department, these regulations update prospective rates for nursing facility services for fiscal year 2024.

Proposed Regulations

DLS Control No. 23-327

Maryland Department of Health: Medical Care Programs:

Collaborative Care Model: COMAR 10.09.64.01 – .09

Maryland HealthChoice Program: Definitions: COMAR 10.67.01.01

Benefits: COMAR 10.67.06.26

According to the department, these regulations implement a statewide Collaborative Care Model within the Medical Assistance Program (Program).

Proposed Regulations

DLS Control No. 23-328

Maryland Department of Health:

Human Immunodeficiency Virus (HIV) Infection and Acquired Immunodeficiency Syndrome (AIDS):

Maryland AIDS Drug Assistance Program: Eligibility: COMAR 10.18.05.01 – .03

Maryland AIDS Drug Assistance Program:

Services: COMAR 10.18.06.05, .08, and .10

According to the department, the regulations alter the Maryland AIDS Drug Assistance Program (MADAP) by repealing the requirements for (1) use of a specified form for verification

of HIV status by a health care practitioner (2) reverification of eligibility every six months, and (3) use of a specified form for preauthorization for specified pharmacy services.

Proposed Regulations

DLS Control No. 23-332

**Maryland Department of Health: Dangerous Devices and Substances:
Controlled Dangerous Substances: COMAR 10.19.03.01 – .20**

According to the department, the purpose of this action is to evaluate COMAR 10.19.03 for the purpose of satisfying the requirement of State Government Article, §10-130 – 10-139, Annotated Code of Maryland, to update the regulations per statutory changes, and to reorganize and clarify existing language.

Proposed Regulations

DLS Control No. 23-333

**Maryland Department of Health:
Community-Based Behavioral Health Programs and Services:
Outpatient Civil Commitment (OCC) Pilot Program:
COMAR 10.63.07.02, .03, .05, and .11**

According to the department, the regulations expand eligibility for participation in the Outpatient Civil Commitment (OCC) Pilot Program in the Behavioral Health Administration (BHA) by increasing the eligible residential area, expanding the types of facilities at which an individual may have had a recent admission, and allowing participation for individuals who have had psychiatric emergency department visits. The regulations also expedite the enrollment process by removing requirements to have an administrative law judge (ALJ) participate in a settlement conference.

Proposed Regulations

DLS Control No. 23-334

**Maryland Department of Health: Medical Care Programs:
Programs of All-Inclusive Care for the Elderly (PACE):
COMAR 10.09.44.01, .15, .21, and .23**

According to the department, these regulations: (1) list the annual provider rates to be paid to Program of All Inclusive Health for the Elderly (PACE) providers pursuant to Medicaid's State Plan Amendment; (2) add reporting requirements for PACE providers; and (3) authorize the department to impose sanctions or suspend a PACE provider's ability to enroll new participants for failure to comply with applicable State and federal laws or regulations.

Proposed Regulations

DLS Control No. 23-335

**Maryland Department of Health: Medical Care Programs:
Home and Community-Based Services Waiver for Children with Autism Spectrum
Disorder:** COMAR 10.09.56.02, .04, .10, .14, .14-1, .15 – .17, .19, .21, and .22

According to the department, these regulations update the requirements for participant and provider eligibility, covered services, and reimbursement under the Home- and Community-Based Services Waiver for Children with Autism Spectrum Disorder.

Proposed Regulation

DLS Control No. 23-337

**Maryland Department of Health: Postmortem Examiners Commission:
Medical Examiner Cases:** COMAR 10.35.01.20

According to the department, this regulation increases body transportation reimbursement fees and the minimum payment per transport to the Office of the Chief Medical Examiner (office).

Proposed Regulations

DLS Control No. 23-339

**Maryland Department of Health: Mental Hygiene Regulations:
Maryland Mental Health and Substance Use Disorder Registry and Referral
System:** COMAR 10.21.31.01 – .06

According to the department, these regulations implement the Maryland Mental Health and Substance Use Disorder Registry and Referral System and require hospitals and freestanding medical facilities to comply with certain requirements.

Proposed Regulations

DLS Control No. 23-340

**Maryland Department of Health: Medical Care Programs:
Establishment, Operation, and Authority for Health Maintenance Organizations -
Medical Assistance:** COMAR 10.09.16.01 – .12

According to the department, these regulations implement coverage of behavioral health crisis services and establish coverage, requirements, and reimbursement procedures for mobile crisis team and behavioral health crisis stabilization center services.

Proposed Regulation

DLS Control No. 23-341

**Maryland Department of Health: Medical Care Programs:
Targeted Case Management for People with Intellectual and Developmental
Disabilities:** COMAR 10.09.48.08

According to the department, this regulation implements a rate increase for targeted case management providers and a payment system to set provider rates for community-based services by the Developmental Disabilities Administration.

Proposed Regulations

DLS Control No. 23-342

Maryland Department of Health: Community-Based Behavioral Health Programs and Services:

Programs Required to be Accredited in Order to be Licensed to Provide Community-Based Behavioral Health: COMAR 10.63.02.02

Descriptions and Criteria for Programs and Services Required to have an Accreditation-Based License: COMAR 10.63.03.20 and .21

According to the department, these regulations establish behavioral health crisis stabilization center (BHSC) and mobile crisis team (MCT) program requirements, which implement coverage for the new services covered by these programs.

Proposed Regulations

DLS Control No. 23-343

Maryland Department of Health: Maryland HealthChoice Program:

Eligibility and Enrollment: COMAR 10.67.02.01

Managed Care Organizations: COMAR 10.67.04.03-1, 03-2, .15, .19, and .19-4

Access: COMAR 10.67.05.02

Benefits: COMAR 10.67.06.26-1, 26-3, .27 and .30

Non-Capitated Covered Services: COMAR 10.67.08.03

According to the department, these regulations (1) update reporting requirements for managed care organizations (MCOs), (2) implement provisions of the Healthy Babies Equity Act, the Trans Health Equity Act, and legislation requiring Medicaid to provide specified coverage for adult dental care, (3) update provisions to comply with federal requirements for very low birth weight payments, and (4) replace the rural access incentive with the health equity incentive.

Proposed Regulations

DLS Control No. 23-345

Maryland Department of Health: Medical Care Programs:

General Medical Assistance Provider Participation Criteria:

COMAR 10.09.36.01 and.04

According to the department, these regulations add definitions and amend payment procedures for the Maryland Medical Assistance Program (program).

Proposed Regulation

DLS Control No. 23-347

Maryland Department of Health: Medical Care Programs:

Health Homes: COMAR 10.09.33.09

According to the department, this regulation implements a 3% rate increase for health home providers.

Proposed Regulation

DLS Control No. 23-348

Maryland Department of Health: Medical Care Programs:

Home and Community-Based Services Waiver for Individuals with Brain Injury:

COMAR 10.09.46.12

According to the department, this regulation increases the reimbursement rate paid by the Maryland Medical Assistance Program (Medicaid) for certain home and community-based services for individuals with brain injuries.

Proposed Regulation

DLS Control No. 23-349

Maryland Department of Health: Medical Care Programs:

1915(i) Intensive Behavioral Health Services for Children, Youth, and Families:

COMAR 10.09.89.14

According to the department, this regulation increases the amount a provider will be reimbursed for providing certain intensive behavioral health services under the Maryland Medical Assistance Program (program).

Emergency/Proposed Regulations

DLS Control No. 23-353

Maryland Department of Health: Medical Care Programs:

Maryland Medicaid Managed Care Program: Rare and Expensive Case

Management: COMAR 10.09.69.02, .11, and .12

According to the department, these regulations clarify coverage requirements for optional shift nursing services (private duty nursing services) under the Rare and Expensive Case Management Program.

Emergency/Proposed Regulations

DLS Control No. 23-354

Maryland Department of Health: Medical Care Programs:

Early and Periodic Screening, Diagnosis, and Treatment: Nursing Services for

Individuals Younger than 21 Years Old: COMAR 10.09.53.04 and .05

According to the department, these regulations clarify coverage requirements for nursing services when provided to participants who are younger than 21 years of age and enrolled in the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Program.

Proposed Regulations

DLS Control No. 24-011

Maryland Department of Health: Board of Pharmacy:

Pharmacy Technicians: COMAR 10.34.34.02, .03, .07, .10

According to the department, the purpose of this action is to (1) Effectuate Ch. 218 (H.B. 693), Acts of 2023, State Board of Pharmacy, Delegated Pharmacy Acts, and Sunset Extension, by removing the prohibition on the administration of an influenza vaccine by a registered pharmacy technician in COMAR 10.34.34.02 and .03. (2) Clarify that a registered pharmacy technician's scope of practice does not include the administration of an injectable medication (COMAR 10.34.34.03). (3) Effectuate Ch. 218 (H.B. 693), Acts of 2023, by developing a framework for the administration of certain vaccines by a registered pharmacy technician (COMAR 10.34.34.03). (4) Effectuate Ch. 218 (H.B. 693), Acts of 2023, by developing a framework for the performance of off-site prescription data entry by a registered pharmacy technician (COMAR 10.34.34.03). (5) Clarify that a pharmacy technician trainee must complete 160 hours of work experience within 6 months of enrollment in a pharmacy technician training program (COMAR 10.34.34.07). (6) Clarify that a pharmacy must obtain approval, as a pharmacy technician training program, independent of that previously granted to a stand-alone didactic program that it selects to incorporate into its pharmacy technician trainee program (COMAR 10.34.34.07). (7) Require completion of vaccination specific continuing pharmaceutical education credit hours by a registered pharmacy technician who administers certain vaccines (COMAR 10.34.34.10).

Proposed Regulation

DLS Control No. 24-012

Maryland Department of Health: Maryland Health Care Commission:

User Fee Assessment on Payers, Hospitals, and Nursing Homes:

COMAR 10.25.03.02

According to the department, the purpose of this action is to incorporate the apportioned percentages of each industry. As these percentages will not change, the only change will be dates of inclusion of these percentages. These regulations change every four years as the User Fee Report, that is required by Senate Bill 786 – Department of Health and Mental Hygiene – MHCC Modifications and Clarifications Bill, requires us to complete a study showing the expenditures incurred by the Commission and who benefits by the work.

Proposed Regulation

DLS Control No. 24-016

Maryland Department of Health: Maryland Health Care Commission:

Certificate of Need for Health Care Facilities: COMAR 10.24.01.12

According to the department, the purpose of this action is to amend Regulation .12 under COMAR 10.24.01 Procedural Regulations for Health Care Facilities and Services. The proposed regulations enable the Commission to impose financial penalties for violations of the procedural regulations governing Certificates of Need (CON) and other Commission approvals. Under the current regulations, the Commission's only means of enforcement is to withdraw its approval, which could have the effect of closing a health care facility or service and jeopardizing the public's access to health care. The proposed regulations authorize the Commission to impose financial penalties for noncompliance, which enables the Commission to enforce its regulations without harm to the public.

Emergency/Proposed Regulations

DLS Control No. 24-019

Maryland Department of Health: Natalie Laprade Medical Cannabis Commission:

Definitions: COMAR 10.62.01.01

General Regulations: COMAR 10.62.02.01 – .03 and .05

Certifying Physicians: COMAR 10.62.03.01 – .03

Patient and Caregiver Registry: COMAR 10.62.04.01 – .06

Written Certifications: COMAR 10.62.05.01 and .02

Patient and Caregiver Identification Cards: COMAR 10.62.06.01 – .07

New Condition Approval Process: COMAR 10.62.07.01 – .06

Medical Cannabis Grower License: COMAR 10.62.08.01 – .14

Medical Cannabis Grower Agent: COMAR 10.62.09.01 – .09

Medical Cannabis Grower Premises: COMAR 10.62.10.01 – .08

Medical Cannabis Growing Controls: COMAR 10.62.11.01 – .04

Inventory Control by Grower: COMAR 10.62.12.01 – .09

Medical Cannabis Shipment Packaging: COMAR 10.62.13.01 and .02

Licensed Grower Dispensary Facility: COMAR 10.62.14.01 and .02

Medical Cannabis Grower Quality Control: COMAR 10.62.15.01 – .07

Licensed Independent Testing Laboratory Registration: COMAR 10.62.16.01 – .06

Complaints, Adverse Events, and Recall: COMAR 10.62.17.01 – .04

Shipment of Products Between Licensees: COMAR 10.62.18.00 – .10 and .9999

Medical Cannabis Processor License: COMAR 10.62.19.01 – .12

Medical Cannabis Processor: COMAR 10.62.20.01 – .09

Medical Cannabis Processor Premises: COMAR 10.62.21.01 – .07

Medical Cannabis Processor Operations: COMAR 10.62.22.01 – .06

Medical Cannabis Concentrates and Medical Cannabis-Infused Products:

COMAR 10.62.23.01 – .06

Medical Cannabis Finished Products Packaging: COMAR 10.62.24.01

Medical Cannabis Dispensary License: COMAR 10.62.25.01 – .13

Registered Dispensary Agent: COMAR 10.62.26.01 – .09

Licensed Dispensary Premises: COMAR 10.62.27.01 – .10

Licensed Dispensary Operations: COMAR 10.62.28.01 – .06

Licensed Dispensary Packaging and Labeling for Distribution:

COMAR 10.62.29.01 and .02

Dispensing Medical Cannabis: COMAR 10.62.30.01 – .10

Licensed Dispensary Clinical Director: COMAR 10.62.31.01

Records: COMAR 10.62.32.01 – .03

Inspection: COMAR 10.62.33.01 – .08

Discipline and Enforcement: COMAR 10.62.34.01 – .09

Fee Schedule: COMAR 10.62.35.01

Academic Research: COMAR 10.62.36.01 – .06

Edible Cannabis Products: COMAR 10.62.37.01 – .21

Maryland Cannabis Administration: General Regulations: COMAR 14.17.02.03

Social Equity: COMAR 14.17.03.01 and .03

Medical Cannabis Program: COMAR 14.17.04.01 – .03 and .06 – .08

Application Process and Issuance of Licenses: COMAR 14.17.05.03 and .05 – .07
Standard Cannabis Licenses: COMAR 14.17.06.01 – 03, .05, .06, and .08 – .10
Micro Licenses: COMAR 14.17.07.01 – .04, .06, and .07
Laboratory Registration and Operations: COMAR 14.17.08.01 – .04, .06, and .07
Other Cannabis Business: COMAR 14.17.09.01 – .03
Cannabis Grower Operations: COMAR 14.17.10.01 – .09
Cannabis Processor Operations:
COMAR 14.17.11.01 – .05, .05-1 – 05-9, and .06 – .10
Cannabis Dispensary Operations: COMAR 14.17.12.01 – .11
Cannabis Products: COMAR 14.17.13.01 – .11
Complaints, Enforcement, Record Keeping, and Inspections of Cannabis Businesses: COMAR 14.17.14.01 – .06
Cannabis Business Agents: COMAR 14.17.15.01 – .05
Cannabis Business Owners: COMAR 14.17.16.01 – .05
Secured Creditors and Receivership: COMAR 14.17.17.01 – .07
Finished Product Packaging: COMAR 14.17.18.01 – .07
Cannabis Research: COMAR 14.17.19.01 – .05
Prohibited Acts: COMAR 14.17.20.01 and .02
Fees: COMAR 14.17.21.01 and .02
Hearing Procedures: COMAR 14.17.22.01 – .12

According to the department, this emergency action is necessary to ensure that revised regulations replace the emergency regulations that took effect July 1, 2023.

Labor, Maryland Department of

Proposed Regulation

DLS Control No. 24-021

Maryland Department of Labor: Board of Master Electricians:

Continuing Education: COMAR 09.09.02.01

According to the department, the purpose of this action is to clarify the distinction between an uninsured electrician authorized to work and not authorized to work based on compliance with continuing education requirements.

Institute for Emergency Medical Services Systems, Maryland

Proposed Regulations

DLS Control No. 23-314

Maryland Institute for Emergency Medical Services Systems:

Commercial Ambulance Services: Definitions: COMAR 30.09.01.02

Specialty Care Transport Services: COMAR 30.09.14.04

According to the institute, the regulations alter the staffing requirements for specialty care commercial ambulance services.

Insurance Administration, Maryland

Proposed Regulations

DLS Control No. 23-352

Maryland Insurance Administration: Health Insurance - General:

Disability Benefit Claims Procedures: COMAR 31.10.30.03 – .05

According to the administration, these regulations amend existing regulations on Disability Benefit Claims Procedure in accordance with recent federal regulation changes. The regulations add insurer requirements for the establishment of a claim and the appeal procedures and for the timing and content of notice of adverse benefit determination and of an appeal determination.

Public Service Commission

Proposed Regulations

DLS Control No. 24-005

Public Service Commission:

Service Supplied by Electric Companies:

Small Generator Interconnection Standards: COMAR 20.50.09.02, .06, .07, .09, .10, and .12 – .14

According to the commission, the purpose of this action is to (1) Establish a modified definition for a “Hosting capacity upgrade plan” under Regulation .02. (2) Establish new definitions for “Limited export interconnection customer agreement,” “Meter collar adapter,” “Primary voltage hosting capacity upgrade cost,” “Primary voltage interconnection customer,” “Rightsizing,” “Secondary voltage hosting capacity upgrade cost,” and “Secondary voltage interconnection customer” under Regulation .02. (3) Expand flexible interconnection options for interconnection customers under Regulation .06. (4) Establish new requirements for hosting capacity upgrade plans under Regulation .06. (5) Propose a new cost allocation methodology for interconnection upgrades for primary voltage (i.e., greater than 600 volts) interconnection customers and secondary voltage (i.e., 600 volts or less) interconnection customers under Regulation .06. (6) Eliminate and update regulations that have become outdated with the establishment of certified smart inverter requirements which became effective January 1, 2024, under Regulation .07. (7) Establish new requirements related to public service company approval of meter collar adapter devices for small generator facility interconnection under Regulation .07. (8) Establish new requirements for the use of power flow analysis associated with Level 1 and Level 2 small generator interconnection studies under Regulations .09 and .10. (9) Remove financial requirements for interconnection customers associated with delays in electric distribution system upgrades for Level 4 small generator interconnection projects to be compatible with the proposed action for Regulation .06R under Regulation .12. (10) Improve the dispute resolution

process under Regulation .13. (11) Include additional reporting requirements for public service companies beginning on April 1, 2025, that are associated with the proposed action for Regulation .06R and will also remove one outdated reporting requirement associated with Solar Renewable Energy Credits (SRECs) under Regulation .14.

Proposed Regulation

DLS Control No. 24-017

Public Service Commission: Terminations of Services:

Restrictions on Terminations: COMAR 20.31.03.05

According to the commission, the purpose of this action is to update the reporting requirements for weather station areas.

Proposed Regulation

DLS Control No. 24-018

Public Service Commission: Electric and Gas Companies – Affiliate Regulations:

Utility Code of Conduct: COMAR 20.40.02.06

According to the commission, the purpose of this action is to remove the loan or guarantee annual report.

Education, State Board of

Proposed Regulations

DLS Control No. 23-308

State Board of Education: Child Care Centers:

Child Supervision: COMAR 13A.16.08.03

Safety: COMAR 13A.16.10.02

Child Care – Letters of Compliance: Safety: COMAR 13A.17.10.02

According to the board, the purpose of this action is to alter the group size, staffing, and first aid and CPR requirements to provide child care centers and letter of compliance facilities additional flexibility when staffing their school age programs.

Proposed Regulation

DLS Control No. 24-008

State Board of Education: Students:

General Regulations: COMAR 13A.08.01.02-3

According to the board, the purpose of this action is to measure a child's preparedness for kindergarten instruction, as defined by the essential domains of school readiness.