



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: May 9, 2025

Re: **Synopses of Regulations received from 4/29/2025 through 5/8/2025**

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.

GC/KPK/KVL/bal

cc: Sally Robb
Matthew Jackson

Elections, State Board of

Proposed Regulation

DLS Control No. 25-110

Board of Elections: Campaign Financing:

Campaign Accounts: COMAR 33.13.06.04

According to the board, the purpose of this action is to give the Chair the authority to approve disbursements on behalf of the political committee.

Natural Resources, Department of

Proposed Regulations

DLS Control No. 25-090

Department of Natural Resources: Boating–Speed Limits and Operation of Vessels:

Susquehanna River: COMAR 08.18.26.06 and .07

According to the department, the purpose of this action is to establish a 6-knot effective at all times speed zone in the Susquehanna River for the area surrounding the construction site of the Susquehanna River Rail Bridge Project. This construction project is located on the waters between Havre de Grace and Perryville, Maryland.

Proposed Regulations

DLS Control No. 25-101

Department of Natural Resources: Wildlife:

Threatened and Endangered Species: COMAR 08.03.08.01 and .04 – .09

According to the department, the purpose of this action is to list one new plant species as endangered and to reclassify 16 species which are currently listed as threatened, endangered or endangered extirpated by changing the status of 10 species and removing 6 species.

A proposal to list a species may occur if it is determined that the species meets the criteria for endangered species, threatened species, or species in need of conservation, as stated in Regulation .01 under COMAR 08.03.08. Legal protection may be warranted due to any of the following factors: present or threatened alterations of the species' habitat or range; overutilization; disease or predation; inadequacy of existing regulatory mechanisms; or other natural or manmade factors affecting its continued existence in the State.

One plant is proposed to be added to the list as endangered. Increased legal protection for this species is warranted because populations are isolated, limited in number, and may be habitat specific; population declines have been documented; and habitat alterations threaten the species' continued existence in the State. The northern long-eared bat (*Myotis septentrionalis*) was recently

listed as endangered by the U.S. Fish and Wildlife Service and its state status is proposed to conform with the new federal status.

A change in status may occur if there is an increase in the population of a listed species or additional populations are found in the State for a given species. Intensive field inventories have documented additional populations on protected lands for five endangered plant species and these species are proposed as threatened due to the discovery. One plant species listed as endangered has been found to have a greater range than previously thought and this species is proposed as threatened. One endangered plant species has increased on protected lands managed for rare species and now warrants protection as threatened. Three endangered plant species are proposed to be removed from the endangered species list because one species was reported falsely, one species is expanding its range and its nativity to Maryland is questionable, and one species cannot be separated taxonomically from a more common species.

Endangered extirpated species are those species that were once a viable component of the flora and fauna of the State but for which no naturally occurring populations were known since 1950. Upon the discovery of a viable, naturally occurring population or populations of a listed endangered extirpated species, the status of the species is evaluated. Two endangered extirpated species have been rediscovered on state lands and one species is proposed as endangered and one species is proposed as threatened due to these discoveries and the sizes of the populations present.

Three endangered extirpated plant species are proposed to be removed from the endangered extirpated list due to confusion with a newly described species, uncertain range, or uncertain population status.

Fish species designated as endangered or threatened appear both in lists maintained by the Fisheries Service and by the Wildlife and Heritage Service. The Fisheries Service's list appears under COMAR 08.02.12 and the Wildlife and Heritage Service's list appears under COMAR 08.03.08. In order to clarify that both the Fisheries Service and the Wildlife and Heritage Service maintain lists, reference to the Fisheries Service's list is included in this amendment.

The scientific community has changed the common and/or scientific names of one mollusk, three crustaceans, five insects, one fish, one amphibian, six birds, and 15 plant species, and these names are changed to conform.

Environment, Department of the

Proposed Regulation

DLS Control No. 25-091

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, Incorporate by Reference to incorporate Supplement 35 “Regulations for the Control of Ionizing Radiation” with the following:

1. correct the phrase from “21 CFR 207.20(a)” to “21 CFR 207.17(a)” in Section C.28(j), on page C37;
2. remove Note 1 and Note 2 of Part C Appendix B, on page C68;
3. remove Sections F.3(a)(1)(viii), F.3(a)(1)(ix), and F.3(a)(1)(x), on page F11;
4. remove the phrase “in addition to any lead equivalency provided by the protective apron referred to in Section F.3(a)(1)(v)” in Section F.5(i)(2)(ii), on page F22-5;
5. remove Section F.7(i)(4)(vi) and the phrase “Provisions for protection of persons other than the patient set forth in F.3(a)(1)(v) shall be enforced” in Section F.7(i)(4)(vii), on page F31-1;
6. remove Section F.7(j), on page F31-2;
7. add Section G.204(b), on page G29-1;
8. correct the phrase from “Each licensee or registrant shall furnish a report to each worker annually, and within 90 days following termination, of the worker's dose as shown in records maintained by the licensee or registrant pursuant to D.1107 of these regulations” to “Each licensee or registrant shall furnish a report to each worker annually of the worker’s dose as shown in records maintained by the licensee or registrant pursuant to D.1107 of these regulations if the individual’s occupational dose exceeds 1 millisievert (0.1 rem) TEDE or 1millisievert (0.1 rem) to any individual organ or tissue for the monitoring year” in Section J.13(b), on page J2; and
9. miscellaneous edits regarding formatting and punctuation.

Proposed Regulations

DLS Control No. 25-108

Department of the Environment: Air Quality:

Control of Fuel-Burning Equipment, Stationary Internal Combustion Engines, and Certain Fuel-Burning Installations: COMAR 26.11.09.01 and .07

According to the department, the purpose of this action is to amend Regulation .01 and .07 under COMAR 26.11.09 - Control of Fuel-Burning Equipment, Stationary Internal Combustion Engines, and Certain Fuel-Burning Installations to update a grammatical error within the definition of “Residual fuel oil” and to lower the amount of sulfur allowed in petroleum-based fuel oils combusted at stationary sources. Lowering sulfur from fuel oils will reduce emissions of sulfur dioxide (SO₂), which also leads to increased formation of fine particulate matter (PM_{2.5}). This

action will reduce visibility-impairing pollutants that contribute to regional haze, as required by the federal Clean Air Act, and to protect public health from the adverse health effects of SO₂ and PM_{2.5} pollution.

Transportation, Department of

Proposed Regulation

DLS Control No. 25-092

Department of Transportation: Maryland Aviation Administration:

Baltimore/Washington International Thurgood Marshall Airport:

COMAR 11.03.01.13

According to the department, the purpose of this action is to amend the established public hours of operations at Baltimore/Washington International Thurgood Marshall Airport (BWI Marshall) from 4:00 a.m. until 11:00 p.m. to twenty-four hours a day. Once amended, no individual may enter or be present in the terminal, pedestrian bridges, hourly garage, or the on-Airport consolidated rental car facility at BWI Marshall except: airline passengers and on-Airport consolidated rental car facility customers, individuals meeting, accompanying, or assisting passengers on an arriving or departing flight, individuals whose employment requires their presence in the terminal, pedestrian bridges, hourly garage, or on-Airport consolidated rental car facility, and other individuals specifically authorized by the Executive Director to enter and be present in some or all of these locations.

Proposed Regulations

DLS Control No. 25-093

Department of Transportation: Maryland Port Administration:

Vehicle Access, Parking, and Operation on Maryland Port Administration

Property: COMAR 11.05.03.02 and .03

According to the department, the purpose of this action is to add the term "E-Pass" or "vendor" to the definitions and regulations and to eliminate the term "annual" from the regulations.

Maryland Department of Health

Emergency/Proposed Regulations

DLS Control No. 25-094

Maryland Department of Health: Board of Nursing:

Examination and Licensure: COMAR 10.27.01.13

According to the department, the purpose of this action is to propose amendments to extend the scheduled years in which applicants applying for a license or certificate renewal must complete their criminal history records check.

Proposed Regulations

DLS Control No. 25-095

Maryland Department of Health: Board of Nursing:

Delegation of Nursing Functions: COMAR 10.27.11.01

Rehabilitation Committee: COMAR 10.27.13.01 – .03

Board of Nursing - Certified Nursing Assistants:

[Medication Technicians – Vacant] Certified Dialysis Technicians:

COMAR 10.39.06.01 – .15

Certified Nursing Assistants/Certified Medication Technicians (CNA/CMT) - Code of Ethics: COMAR 10.39.07.01

According to the department, the purpose of this action is to provide regulatory guidance for dialysis technicians certified in Maryland, pursuant to HB 218, Dialysis Technicians, 2022 Chapter 681.

Proposed Regulations

DLS Control No. 25-096

Maryland Department of Health: Board of Nursing:

Hearing Procedures: COMAR 10.27.02.01

Practice of Nurse Midwifery: COMAR 10.27.05.07

Monetary Penalties: COMAR 10.27.18.01 – .02

Sanctioning Guidelines: COMAR 10.27.26.02

Board of Nursing—Licensed Certified Midwives:

Licensure of Licensed Certified Midwives: COMAR 10.69.01.01 – .13

Delegation of Technical Acts by a Licensed Certified Midwife:

COMAR 10.69.02.01 – .06

Code of Ethics: COMAR 10.69.03.01 – .03

According to the department, the purpose of this action is to provide regulatory guidance for licensed certified midwives in Maryland, pursuant to HB 758, Maryland Licensure of Certified Midwives Act, 2021 Chapter 462, and HB 717, State Board of Nursing - Peer Advisory Committees, Scopes of Practice, Licensure Requirements 2023 Chapter 368, and Health Occupations Article §§ 8-6D-01 through 8-6D-15, Annotated Code of Maryland. Maryland.

Proposed Regulations

DLS Control No. 25-097

Maryland Department of Health: Laboratories:

General: COMAR 10.10.01.03

Medical Laboratories - General: COMAR 10.10.02.01

Medical Laboratories - Licenses: COMAR 10.10.03.02 and .04

Medical Laboratories - Fees: COMAR 10.10.04.01 and .02

Medical Laboratories - Proficiency Testing: COMAR 10.10.05.02, .04, and .05

Medical Laboratories - Quality Assurance:

COMAR 10.10.06.02, .06 – .08, .12, and .13

Medical Laboratories - Personnel: COMAR 10.10.07.07

Medical Laboratories - Sanctions: COMAR 10.10.08.02

Medical Laboratories - Public Health HIV Testing Programs:

COMAR 10.10.12.02, .04, and .07

According to the department, the purpose of this action is to propose revisions to COMAR 10.10.01—10.10.08, and 10.10.12 to protect the public and individual health by requiring medical laboratories to employ qualified personnel, operate under reliable procedures, have in place effective quality control and quality assurance programs, and have qualified supervision. This is accomplished by setting minimum, reasonable standards in regulation for the licensing of laboratories in Maryland.

The updated regulations will:

- (1) reflect current Maryland law;
- (2) delete obsolete terminology;
- (3) address concerns brought forth by the industry;
- (4) align with regulations from the Department of Health and Human Services, Clinical Laboratory Improvement Amendments (CLIA), where appropriate; and
- (5) reflect current quality and safety standards of medical laboratories.

Proposed Regulations

DLS Control No. 25-098

Maryland Department of Health: Board of Dental Examiners:

Inspections – Compliance with Centers for Disease Control and Prevention

Guidelines: COMAR 10.44.34.01 – .04

According to the department, the purpose of this action is to prescribe procedures for unannounced inspections of a dental office to determine compliance with the Centers for Disease Control and Prevention's guidelines on universal precautions in accordance with Health Occupations Article, §4-205(a)(6), Annotated Code of Maryland.

Proposed Regulation

DLS Control No. 25-099

Maryland Department of Health: Board of Massage Therapy Examiners:

General Regulations: COMAR 10.65.01.06

According to the department, the purpose of this action is to update the conversion requirements of a registration to a license pursuant to Chs. 705 and 706, Acts of 2022.

Proposed Regulations

DLS Control No. 25-100

Maryland Department of Health: Board of Physicians:

Telemedicine: COMAR 10.32.05.02 – .06

According to the department, the purpose of this action is to amend the regulations to reflect statutory changes as a result of the passage of Ch. 15 (H.B. 448), Acts of 2020. This legislation authorizes all licensees under the Health Occupations Article to use telehealth (synchronous and asynchronous) to establish a patient relationship among other changes.

Proposed Regulations

DLS Control No. 25-102

Maryland Department of Health: Board of Physicians:

Unlicensed X-Ray Assistant: COMAR 10.32.14.01 – .09

According to the department, the purpose of this action is to establish regulations to implement a Limited X-Ray Machine Operator registration. These regulations authorize individuals who meet the qualifications and register with the Board to perform certain X-ray duties without a license.

Proposed Regulation

DLS Control No. 25-103

Maryland Department of Health: Board of Occupational Therapy Practice:

Collection of Fees: COMAR 10.46.05.01

According to the department, the purpose of this action is to provide a new fee for The Interstate Occupational Therapy Licensure Compact pursuant to Chapters 93 and 94, Acts of 2021.

Proposed Regulations

DLS Control No. 25-104

Maryland Department of Health: Board of Physical Therapy Examiners:

Fee Schedule: COMAR 10.38.07.02

Continuing Education Requirements: COMAR 10.38.08.05

According to the department, the purpose of this action is to: (1) add new fees for continuing education (CE) course review and dry needling registration; (2) update the fee for approval for CE hours to course provider; and (3) update the renewal dates to complete CE hours.

Proposed Regulations

DLS Control No. 25-105

Maryland Department of Health: Board of Professional Counselors and Therapists:

General Regulations: COMAR 10.58.01.04

Marriage and Family Therapists — Requirements for Licensure:

COMAR 10.58.08.06

According to the department, the purpose of this action is to update the licensing requirements for out-of-state marriage and family therapists pursuant to Chs. 45 and 46, Acts of 2024.

Proposed Regulations

DLS Control No. 25-106

Maryland Department of Health: Commission on Kidney Disease:

General Regulations: COMAR 10.30.01.01 – .05, .07 – .09, and .11

Physical and Medical Standards: COMAR 10.30.02.02 – .07

Transmissible Diseases: COMAR 10.30.03.02 and .03

Dialyzer Reuse and Water Standards: COMAR 10.30.04.02 and .03

According to the department, the purpose of this action is, as a result of the Maryland Regulatory Review and Evaluation Act requirements, to:

- (1) update and remove obsolete language throughout the subtitle;
- (2) clarify Commission responsibilities;
- (3) remove repealed cross-references; and
- (4) update staffing requirements for home dialysis programs and self-care dialysis facilities.

Proposed Regulations

DLS Control No. 25-107

Maryland Department of Health: Tissue Banks:

Tissue Banks: COMAR 10.50.01.03 – .11

According to the department, the purpose of this action is to set minimum reasonable standards for permitting Tissue Banks in Maryland. This chapter is intended to maximize safety and quality of Tissue Bank operations and tissue components received by Marylanders, while updating and establishing reasonable standards for the growing industry.

The updated regulations:

- (1) Reflect current Maryland law;
- (2) Delete obsolete terminology;
- (3) Address concerns brought forth by the industry; and
- (4) Reflect current quality and safety standards of medical laboratories.

Proposed Regulations

DLS Control No. 25-109

Maryland Department of Health: Board of Pharmacy:

Prescription Labeling for Blind, Visually Impaired, and Print Disabled Individuals:

COMAR 10.34.43.01 – .03

According to the department, the purpose of this action is to adopt regulations according to the mandate in SB 940 FY 2023 and Health Occupations Article, §12-505.1, Annotated Code of Maryland related to prescription labeling for visually impaired, blind, and print disabled individuals.

Proposed Regulations

DLS Control No. 25-111

Maryland Department of Health: Board of Massage Therapy Examiners:

Fees: COMAR 10.65.07.02

Handheld Tools: COMAR 10.65.12.01 – .05

According to the department, the purpose of this action is to add a new chapter for handheld tools pursuant to Ch. 788, Acts of 2024, and a one-time registration fee for licensees trained and qualified for usage.

Proposed Regulation

DLS Control No. 25-112

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 3 percent increase for Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Private Duty Nursing services in accordance with the State's FY 2025 Budget.

Proposed Regulations

DLS Control No. 25-114

Maryland Department of Health: Medical Care Programs:

Home/Community Based Services Waiver for Older Adults:

COMAR 10.09.54.04 and .22

According to the department, the purpose of this action is to: (1) update requirements to include that all service providers conduct a background check to align with current Department policy, (2) prohibit a provider with a conviction or history of behavior that could be harmful to participants from serving as a provider of services under this chapter, and (3) update the rates for services to reflect the rates for Fiscal Year 2025.

Proposed Regulation

DLS Control No. 25-115

Maryland Department of Health: Medical Care Programs:

Community-Based Substance Use Disorder Services: COMAR 10.09.80.08

According to the department, the purpose of this action is to: (1) implement an 8% provider reimbursement rate increase effective on January 1, 2024 pursuant to the Fiscal Year 2024 Budget and Senate Bill 555/House Bill 549, Fair Wage Act of 2023, and (2) implement a 3% provider reimbursement rate increase, effective July 1, 2024, pursuant to the Fiscal Year 2025 Budget.

Proposed Regulations

DLS Control No. 25-116

Maryland Department of Health: Medical Care Programs:

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

COMAR 10.09.46.04 and .06

According to the department, the purpose of this action is to (1) update reimbursement rates for Applied Behavioral Analysis (ABA) services for Fiscal Year 2024 and Fiscal Year 2025, and (2) update covered services to reflect new in-person requirements for certain services.

Proposed Regulations

DLS Control No. 25-117

Maryland Department of Health: Board of Social Work Examiners:

Case Management: COMAR 10.42.02.02 and .06

According to the department, the purpose of this action is to clarify certain definitions and establish a new regulation for private practice.

Proposed Regulations

DLS Control No. 25-118

Maryland Department of Health: Board of Physicians:

Licensure of Genetic Counselors: COMAR 10.32.24.01 – .16

According to the department, the purpose of this action is to establish a new chapter of regulations governing the practice of genetic counseling, including the implementation of licensure for licensed genetic counselors and supervised genetic counselors, as required by Health Occupations Article, §§14-5G-01—14-5G-29, Annotated Code of Maryland. Specifically, the proposed changes define certain terms, specify the makeup and duties of the Genetic Counseling Advisory Committee, provide detail on the Code of Ethics and scope of practice for licensed genetic counselors and supervised genetic counselors, specify requirements for initial licensure, renewals, and reinstatements, establish fees for licensure, and define prohibited conduct, penalties, fines, and sanctioning guidelines for genetic counselors.

Labor, Maryland Department of

Proposed Regulation

DLS Control No. 25-113

Maryland Department of Labor: Real Estate Commission:

Residential Property Disclosure/Disclaimer Statement: COMAR 09.11.07.01

According to the department, the purpose of this action is to update the Maryland Real Estate Commission's Real Property Disclosure/Disclaimer Statement form.