

# Maryland Register

Issue Date: August 13, 2021

Volume 48 • Issue 17 • Pages 649—680

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Judiciary  
Advisory Opinions  
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General Notices

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before July 26, 2021, 5 p.m.

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, I hereby certify that this issue contains all documents required to be codified as of July 26, 2021.

Gail S. Klakring  
Administrator, Division of State Documents  
Office of the Secretary of State



# Information About the Maryland Register and COMAR

## MARYLAND REGISTER

The Maryland Register is an official State publication published every other week throughout the year. A cumulative index is published quarterly.

The Maryland Register is the temporary supplement to the Code of Maryland Regulations. Any change to the text of regulations published in COMAR, whether by adoption, amendment, repeal, or emergency action, must first be published in the Register.

The following information is also published regularly in the Register:

- Governor's Executive Orders
- Attorney General's Opinions in full text
- Open Meetings Compliance Board Opinions in full text
- State Ethics Commission Opinions in full text
- Court Rules
- District Court Administrative Memoranda
- Courts of Appeal Hearing Calendars
- Agency Hearing and Meeting Notices
- Synopses of Bills Introduced and Enacted by the General Assembly
- Other documents considered to be in the public interest

## CITATION TO THE MARYLAND REGISTER

The Maryland Register is cited by volume, issue, page number, and date. Example:

- 19:8 Md. R. 815—817 (April 17, 1992) refers to Volume 19, Issue 8, pages 815—817 of the Maryland Register issued on April 17, 1992.

## CODE OF MARYLAND REGULATIONS (COMAR)

COMAR is the official compilation of all regulations issued by agencies of the State of Maryland. The Maryland Register is COMAR's temporary supplement, printing all changes to regulations as soon as they occur. At least once annually, the changes to regulations printed in the Maryland Register are incorporated into COMAR by means of permanent supplements.

## CITATION TO COMAR REGULATIONS

COMAR regulations are cited by title number, subtitle number, chapter number, and regulation number. Example: COMAR 10.08.01.03 refers to Title 10, Subtitle 08, Chapter 01, Regulation 03.

## DOCUMENTS INCORPORATED BY REFERENCE

Incorporation by reference is a legal device by which a document is made part of COMAR simply by referring to it. While the text of an incorporated document does not appear in COMAR, the provisions of the incorporated document are as fully enforceable as any other COMAR regulation. Each regulation that proposes to incorporate a document is identified in the Maryland Register by an Editor's Note. The Cumulative Table of COMAR Regulations Adopted, Amended or Repealed, found online, also identifies each regulation incorporating a document. Documents incorporated by reference are available for inspection in various depository libraries located throughout the State and at the Division of State Documents. These depositories are listed in the first issue of the Maryland Register published each year. For further information, call 410-974-2486.

## HOW TO RESEARCH REGULATIONS

An Administrative History at the end of every COMAR chapter gives information about past changes to regulations. To determine if there have been any subsequent changes, check the "Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed" which is found online at <http://www.dsd.state.md.us/PDF/CumulativeTable.pdf>. This table lists the regulations in numerical order, by their COMAR number, followed by the citation to the Maryland Register in which the change occurred. The Maryland Register serves as a temporary supplement to COMAR, and the two publications must always be used together. A Research Guide for Maryland Regulations is available. For further information, call 410-260-3876.

## SUBSCRIPTION INFORMATION

For subscription forms for the Maryland Register and COMAR, see the back pages of the Maryland Register. Single issues of the Maryland Register are \$15.00 per issue.

## CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

Maryland citizens and other interested persons may participate in the process by which administrative regulations are adopted, amended, or repealed, and may also initiate the process by which the validity and applicability of regulations is determined. Listed below are some of the ways in which citizens may participate (references are to State Government Article (SG), Annotated Code of Maryland):

- By submitting data or views on proposed regulations either orally or in writing, to the proposing agency (see "Opportunity for Public Comment" at the beginning of all regulations appearing in the Proposed Action on Regulations section of the Maryland Register). (See SG, §10-112)
- By petitioning an agency to adopt, amend, or repeal regulations. The agency must respond to the petition. (See SG §10-123)
- By petitioning an agency to issue a declaratory ruling with respect to how any regulation, order, or statute enforced by the agency applies. (SG, Title 10, Subtitle 3)
- By petitioning the circuit court for a declaratory judgment on the validity of a regulation when it appears that the regulation interferes with or impairs the legal rights or privileges of the petitioner. (SG, §10-125)
- By inspecting a certified copy of any document filed with the Division of State Documents for publication in the Maryland Register. (See SG, §7-213)

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**Lawrence J. Hogan, Jr.,** Governor; **John C. Wobensmith,** Secretary of State; **Gail S. Klakring,** Administrator; **Mary D. MacDonald,** Senior Editor, Maryland Register and COMAR; **Elizabeth Ramsey,** Editor, COMAR Online, and Subscription Manager; **Tami Cathell,** Help Desk, COMAR and Maryland Register Online.

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## PERSONS WITH DISABILITIES

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## COMAR Online

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The Maryland Register is also available at [www.dsd.state.md.us](http://www.dsd.state.md.us).

For additional information, visit [www.dsd.state.md.us](http://www.dsd.state.md.us), Division of State Documents, or call us at (410) 974-2486 or 1 (800) 633-9657.

## Availability of Monthly List of Maryland Documents

The Maryland Department of Legislative Services receives copies of all publications issued by State officers and agencies. The Department prepares and distributes, for a fee, a list of these publications under the title "Maryland Documents". This list is published monthly, and contains bibliographic information concerning regular and special reports, bulletins, serials, periodicals, catalogues, and a variety of other State publications. "Maryland Documents" also includes local publications.

Anyone wishing to receive "Maryland Documents" should write to: Legislative Sales, Maryland Department of Legislative Services, 90 State Circle, Annapolis, MD 21401.

## CLOSING DATES AND ISSUE DATES THROUGH JANUARY 2022

Issue Date	Emergency and Proposed Regulations 5 p.m.*	Notices, etc. 10:30 a.m.	Final Regulations 10:30 a.m.
<b>2021</b>			
August 27	August 9	August 16	August 18
September 10	August 23	August 30	September 1
September 24	September 3**	September 13	September 15
October 8	September 20	September 27	September 29
October 22	October 4	October 8**	October 13
November 5	October 18	October 25	October 27
November 19	November 1	November 8	November 10
December 3	November 15	November 22	November 24
December 17	November 29	December 6	December 8
<b>2022</b>			
January 3***	December 13	December 20	December 22
January 14	December 27	January 3	January 5
January 28	January 10	January 14**	January 19

\* Deadlines are for submissions to **DSD** for publication in the Maryland Register and do not take into account the 15-day AELR review period. Due date for documents containing 8 to 18 pages is 48 hours before the date listed; due date for documents exceeding 18 pages is 1 week before the date listed.

**NOTE: ALL DOCUMENTS MUST BE SUBMITTED IN TIMES NEW ROMAN, 9-POINT, SINGLE-SPACED FORMAT. THE PAGE COUNT REFLECTS THIS FORMATTING.**

\*\* Note closing date changes.

\*\*\* Note issue date changes.

**The regular closing date for Proposals and Emergencies is Monday.**

## REGULATIONS CODIFICATION SYSTEM

Under the COMAR codification system, every regulation is assigned a unique four-part codification number by which it may be identified. All regulations found in COMAR are arranged by title. Each title is divided into numbered subtitles, each subtitle is divided into numbered chapters, and each chapter into numbered regulations.

**09.12.01.01D(2)(c)(iii)**  
 Title      Subtitle      Chapter      Regulation      Subsection      Paragraph      Subparagraph

A regulation may be divided into lettered sections, a section divided into numbered subsections, a subsection divided into lettered paragraphs, and a paragraph divided into numbered subparagraphs.

## Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

This table, previously printed in the Maryland Register lists the regulations, by COMAR title, that have been adopted, amended, or repealed in the Maryland Register since the regulations were originally published or last supplemented in the Code of Maryland Regulations (COMAR). The table is no longer printed here but may be found on the Division of State Documents website at [www.dsd.state.md.us](http://www.dsd.state.md.us).

## Table of Pending Proposals

The table below lists proposed changes to COMAR regulations. The proposed changes are listed by their COMAR number, followed by a citation to that issue of the Maryland Register in which the proposal appeared. Errata pertaining to proposed regulations are listed, followed by “(err)”. Regulations referencing a document incorporated by reference are followed by “(ibr)”. None of the proposals listed in this table have been adopted. A list of adopted proposals appears in the Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed.

### 01 EXECUTIVE DEPARTMENT

### Subtitles 23—36 (4th volume)

**01.02.08.13—17** • 48:15 Md. R. 595 (7-16-21)

**10.24.11.01** • 48:15 Md. R. 605 (7-16-21) (ibr)

**10.25.06.01—18** • 48:15 Md. R. 606 (7-16-21)

### 03 COMPTROLLER OF THE TREASURY

### Subtitles 53—68 (6th volume)

**03.02.04.01** • 48:1 Md. R. 13 (1-4-21)

### 07 DEPARTMENT OF HUMAN SERVICES

**07.02.11.08** • 48:17 Md. R. 670 (8-13-21)

### 08 DEPARTMENT OF NATURAL RESOURCES

**08.02.13.03,.05** • 48:15 Md. R. 596 (7-16-21)

**08.03.02.28** • 48:14 Md. R. 539 (7-2-21)

### 09 MARYLAND DEPARTMENT OF LABOR

**09.03.06.04** • 48:15 Md. R. 602 (7-16-21)

**09.09.01.01—04** • 48:17 Md. R. 671 (8-13-21)

**09.09.02.01—03** • 48:17 Md. R. 671 (8-13-21)

**09.09.03.02** • 48:17 Md. R. 671 (8-13-21)

**09.10.01.17** • 48:12 Md. R. 476 (6-4-21)

**09.10.03.08** • 48:7 Md. R. 261 (3-26-21)

**09.37.02.05** • 48:16 Md. R. 632 (7-30-21)

### 10 MARYLAND DEPARTMENT OF HEALTH

#### Subtitles 01—08 (1st volume)

**10** • 48:4 Md. R. 190 (2-12-21) (err)

#### Subtitle 09 (2nd volume)

**10.09.05.01,.03—07** • 48:15 Md. R. 603 (7-16-21) (ibr)

**10.09.50.07** • 48:17 Md. R. 672 (8-13-21)

**10.09.92.08** • 48:3 Md. R. 104 (1-29-21)

48:4 Md. R. 190 (2-12-21) (err)

### 11 DEPARTMENT OF TRANSPORTATION

#### Subtitles 01—10

**11.02.09.01—03** • 48:11 Md. R. 429 (5-21-21)

#### Subtitles 11—23 (MVA)

**11.16.05.01—04** • 48:15 Md. R. 613 (7-16-21)

**12 DEPARTMENT OF PUBLIC SAFETY AND  
CORRECTIONAL SERVICES**

**12.02.29.01—04** • 48:14 Md. R. 540 (7-2-21)  
**12.08.01.17,,18,,23** • 48:14 Md. R. 540 (7-2-21)

**13B MARYLAND HIGHER EDUCATION COMMISSION**

**13B.03.01.01,,03,,04,,13,,14** • 48:11 Md. R. 431 (5-21-21) (ibr)  
**13B.08.11.04,,07** • 48:15 Md. R. 614 (7-16-21)

**14 INDEPENDENT AGENCIES**

**14.01.01.01** • 48:14 Md. R. 543 (7-2-21)  
**14.01.02.01—05** • 48:14 Md. R. 544 (7-2-21)  
**14.09.01.01—04,,08,,09** • 48:16 Md. R. 633 (7-30-21)  
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**14.27.03.03,,04** • 48:14 Md. R. 546 (7-2-21)

**15 MARYLAND DEPARTMENT OF AGRICULTURE**

**15.01.05.10** • 48:16 Md. R. 644 (7-30-21)

**20 PUBLIC SERVICE COMMISSION**

**20.79.01.05—11** • 48:13 Md. R. 511 (6-18-21)  
**20.79.02.01,,02** • 48:13 Md. R. 515 (6-18-21)  
**20.79.03.01—07** • 48:13 Md. R. 516 (6-18-21)

**26 DEPARTMENT OF THE ENVIRONMENT**

**Subtitles 13 — 18 (Part 3)**

**26.13.01.02,,03,,03-1,,04,,05** • 48:14 Md. R. 547 (7-2-21)  
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**26.13.10.03,,04,,18,,21—24** • 48:14 Md. R. 547 (7-2-21)

**27 CRITICAL AREA COMMISSION FOR THE  
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

**27.01.01.01** • 48:9 Md. R. 371 (4-23-21)  
**27.01.06.01—03** • 48:9 Md. R. 371 (4-23-21)  
**27.01.09.01-6** • 48:9 Md. R. 371 (4-23-21)  
**27.01.14.02-1,,03** • 48:13 Md. R. 519 (6-18-21)  
**27.02.01.01** • 48:9 Md. R. 371 (4-23-21)  
**27.02.03.01** • 48:9 Md. R. 371 (4-23-21)  
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**27.02.07.02,,02-1** • 48:13 Md. R. 519 (6-18-21)  
**27.03.01.01** • 48:9 Md. R. 371 (4-23-21)  
**27.03.01.04** • 48:13 Md. R. 519 (6-18-21)

**30 MARYLAND INSTITUTE FOR EMERGENCY MEDICAL  
SERVICES SYSTEMS (MIEMSS)**

**30.08.11.15** • 48:12 Md. R. 483 (6-4-21)

**31 MARYLAND INSURANCE ADMINISTRATION**

**31.03.13.02,,04** • 48:11 Md. R. 432 (5-21-21)  
**31.04.14.01—03** • 48:13 Md. R. 520 (6-18-21)  
**31.05.08.24,,28** • 48:8 Md. R. 322 (4-9-21)

**33 STATE BOARD OF ELECTIONS**

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**36 MARYLAND STATE LOTTERY AND GAMING  
CONTROL AGENCY**

**36.03.02.17** • 48:14 Md. R. 577 (7-2-21)  
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**36.04.01.27,,30** • 48:14 Md. R. 577 (7-2-21)  
**36.05.02.15,,16** • 48:14 Md. R. 577 (7-2-21)  
**36.05.03.01** • 48:14 Md. R. 577 (7-2-21)

# The Governor

## EXECUTIVE ORDER 01.01.2021.09

### State Chief Data Officer

WHEREAS, Data use and management must be prioritized, standardized, and coordinated within and between State units to maximize efficiency and cost effectiveness of service delivery;

WHEREAS, The efficient management and sharing of data by State units can greatly enhance the delivery of governmental services;

WHEREAS, State units have responsibilities to protect the security and privacy of information in State systems about individuals and entities, and facilitate secure, appropriate data sharing and analyses;

WHEREAS, A central organization is essential to govern, evaluate, coordinate, implement, and improve data use and management within and between State units;

WHEREAS, An effective central organization must be supported by an inclusive organizational structure with representatives who contribute to the improvement of data use and management within and between State units;

WHEREAS, Effective data security and data privacy measures are paramount to ensure protection and reduce the risk of unauthorized access of data entrusted to State units;

WHEREAS, Access to data results in the development of new and strengthening of existing partnerships, empowers collaborative analysis and reveals correlations between independently maintained data, affords the opportunity to have the best and brightest contribute answers and solutions, and promotes inclusion of community members with valuable insights and new perspectives;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE POWER VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, DECLARE THE FOLLOWING, EFFECTIVE IMMEDIATELY:

#### A. State Chief Data Officer.

1. There is a State Chief Data Officer in the Office of the Governor.

2. The State Chief Data Officer shall be appointed by and serve at the pleasure of the Governor.

3. The State Chief Data Officer shall:

i. Supervise and direct the use and management of data by units of State government under the supervision and direction of the Governor ("State units");

ii. Assess the data needed by State units to inform policy decisions;

iii. Facilitate and coordinate:

1) The sharing of State data:

a. Among State units, such that State units receiving data comply with all prohibitions and restrictions on disclosure or release of the data applicable to the State unit sharing it; and

b. Between State units and the public; and

2) Analysis of data by State units;

iv. Receive and compile an inventory of State unit data;

v. Create a strategic plan for State data (the "State Data Strategic Plan") that:

1) Is consistent with the Statewide Information Technology Master Plan;

2) Establishes data use, management, and analysis practices, policies, and standards for the State;

3) Provides recommendations for actions to standardize and integrate State data systems and management practices; and

4) Is updated every two years;

vi. Track progress in implementing secure and efficient data use and management by the State;

vii. Measure advancements in the analysis of data by the State; and

viii. Assist:

1) The Governor's Office of Crime Prevention, Youth, and Victim Services in evaluating data to make recommendations for State policies and programming that are informed by an understanding of, and mitigate the effects of, adverse childhood experiences; and

2) The Opioid Operational Command Center in:

a. Integrating and analyzing data sets that it acquires; and

b. Studying, understanding, and reducing opioid use and overdoses.

#### B. Agency Data Officers.

1. A data officer (an "agency data officer") shall be designated by the following State units no later than October 1, 2021:

i. The Department of Aging;

ii. The Department of Agriculture;

iii. The Department of Budget and Management;

iv. The Department of Commerce;

v. The Department of Disabilities;

vi. The Maryland Department of Emergency Management;

vii. The Department of the Environment;

viii. The Department of General Services;

ix. The Maryland Department of Health;

x. The Department of Housing and Community Development;

xi. The Department of Human Services;

xii. The Department of Information Technology;

xiii. The Department of Juvenile Services;

xiv. The Maryland Department of Labor;

xv. The Department of Natural Resources;

xvi. The Department of Planning;

xvii. The Department of Public Safety and Correctional Services;

xviii. The Department of State Police;

xix. The Department of Transportation;

xx. The Department of Veterans Affairs; and

xxi. The Office of the Secretary of State.

2. Other units of State government may designate agency data officers consistent with this Order.

3. Each agency data officer shall:

i. Implement measures for the secure, efficient, and effective use of data;

ii. Provide administrative support to the State Chief Data Officer on behalf of the unit;

iii. Receive and promptly address inquiries, requests, or concerns about access to the unit's data;

iv. Comply with direction from the State Chief Data Officer as to the use and management of the unit's data;

v. Conduct an inventory, on or before December 31 of each year, of the unit's data that:

1) Identifies data meeting criteria established by the Chief Data Officer, including that it is:

a. Necessary for the operation of the unit; or

- b. Otherwise required to be collected:
  - I. As a condition to receive federal funds; or
  - II. By federal or state law; and
- 2) Is in such form as prescribed by the State Chief Data Officer;
  - vi. Cooperate with the State Chief Data Officer review of advancements in the analysis of data by the State; and
  - vii. Make available to the State Chief Data Officer any data requested.
- 4. The agency data officers shall meet once a month to:
  - i. Exchange knowledge about data use and management;
  - ii. Solicit relevant input from data experts and practitioners;
  - iii. Advise the State Chief Data Officer on best data privacy and security practices;
  - iv. Issue reports to the State Chief Data Officer about State data use and management; and
  - v. Assist the State Chief Data Officer in developing the State Data Strategic Plan.
- 5. Following the creation of the State Data Strategic Plan, the agency data officers shall:
  - i. Implement it in each of their units; and
  - ii. Submit compliance reports for their unit to the State Chief Data Officer.
- C. The State Chief Data Officer may obtain support and assistance from the Department of Information Technology, Department of Planning, and Governor's Office of Performance Improvement as necessary and desirable to improve operational efficiency and efficacy.
- D. On or before December 31 of each year, the State Chief Data Officer shall submit a report to Governor addressing State's progress in:
  - 1. Implementing secure and efficient data use and management;
  - 2. Promoting the sharing and analysis of data; and
  - 3. Complying with the State Data Strategic Plan.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 29th day of July, 2021.

LAWRENCE J. HOGAN, JR.  
Governor

ATTEST:

JOHN C. WOBENSMITH  
Secretary of State

[21-17-21]

## EXECUTIVE ORDER 01.01.2021.10

### Maryland Data Privacy

WHEREAS, The people of Maryland should know how the personally identifiable information they provide to the State is used, shared, stored, and retained;

WHEREAS, State units have a responsibility to protect the privacy of personally identifiable information in State systems while facilitating appropriate data sharing and analyses; and

WHEREAS, A framework is urgently needed for the State to fulfill its commitments to properly collect, use, retain, disclose, and destroy personally identifiable information;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF

THE POWER VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, DECLARE THE FOLLOWING, EFFECTIVE IMMEDIATELY:

- A. In this Order, the following words have the meanings indicated:
  - 1. "Agency privacy officer" means an individual designated by a State unit to manage its implementation of reasonable security practices and procedures, and compliance with this Order.
  - 2. "Personally identifiable information" means, in digital or physical form:
    - i. A full name, or first initial and last name, in combination with;
      - 1) A Social Security number;
      - 2) A driver's license number, a State identification number, or any other identification number issued by a State unit;
      - 3) A passport number;
      - 4) Characteristics of classifications protected under federal or State law; or
      - 5) Biometric information including an individual's physiological or biological characteristics, including an individual's deoxyribonucleic acid, that can be used, singly or in combination with each other or with other identifying data, to establish individual identity;
    - ii. But not:
      - 1) Voter registration information;
      - 2) Information publicly disclosed by the individual without being under duress or coercion;
      - 3) Data rendered anonymous through the use of techniques, including obfuscation, deletion, redaction, or encryption, that make the individual no longer identifiable;
      - 4) Protected health information; or
      - 5) Information collected, processed, or shared for the purposes of:
        - a. Public health, including any information shared between the Maryland Department of Health and any unit of state or United States government as required by law;
        - b. Public safety;
        - c. State security;
        - d. The State Personnel Management System;
        - e. The State Retirement and Pension System; or
        - f. Investigation and prosecution of criminal offenses.
  - 3. "Reasonable security procedures and practices" means security protections that are consistent with Department of Information Technology policies and standards.
  - 4. "SCPO" means the State Chief Privacy Officer.
  - 5. "State unit" means:
    - i. The Department of Aging;
    - ii. The Department of Agriculture;
    - iii. The Department of Budget and Management;
    - iv. The Department of Commerce;
    - v. The Department of Disabilities;
    - vi. Beginning on October 1, 2021, the Maryland Department of Emergency Management;
    - vii. The Department of the Environment;
    - viii. The Department of General Services;
    - ix. The Maryland Department of Health;
    - x. The Department of Housing and Community Development;
    - xi. The Department of Human Services;
    - xii. The Department of Information Technology;
    - xiii. The Department of Juvenile Services;
    - xiv. The Maryland Department of Labor;
    - xv. The Department of Natural Resources;
    - xvi. The Department of Planning;
    - xvii. The Department of Public Safety and Correctional Services;



xviii. The Department of State Police;  
 xix. The Department of Transportation;  
 xx. The Department of Veterans Affairs;  
 xxi. The Department of Secretary of State; and  
 xxii. Any other agency, department, board, commission, authority, or instrumentality of the State that elects to be subject to this Order.

**B. State Chief Privacy Officer.**

1. There is a State Chief Privacy Officer in the Office of the Governor.

2. The SCPO is appointed by, and serves at the pleasure of, the Governor.

3. The SCPO shall:

i. Provide the Governor with advice, recommendations, and consultation about data privacy;

ii. Supervise and direct efforts of State units to protect and secure personally identifiable information;

iii. Develop and manage the implementation of State information privacy policies that are:

1) Comprehensive, coordinated, and continuous; and

2) Balance the State's need for information collection

and:

a. risks to the public; and

b. the costs of collection;

iv. Establish privacy requirements to be incorporated into agreements to share data.

v. Create and maintain inventories of sources of and systems containing personally identifiable information held by the State;

vi. Oversee the conduct of privacy impact assessments; and

vii. Assist State units with:

1) Identifying, matching, and merging corresponding personally identifiable information;

2) Drafting agreements and contracts for sharing, processing, storing, accessing, transmitting, or disposing of personally identifiable information;

3) Responding to audits of privacy and security of personally identifiable information;

4) Reducing:

a. duplicative requests for personally identifiable information; and

b. the amount of personally identifiable information collected and retained to only that necessary for the proper performance of the State unit's authorized functions;

5) Properly accounting for and budgeting the costs and resources needed to protect and securely dispose of personally identifiable information; and

6) Providing training to State unit employees about State information privacy policies.

**C. Beginning no later than January 1, 2022, each State unit shall:**

1. Employ reasonable security practices and procedures;

2. Designate an agency privacy official;

3. Comply with direction from the SCPO to protect and secure personally identifiable information;

4. Identify and document the legitimate government purpose of the State unit's collection of personally identifiable information;

5. Allow an individual to opt out of the State unit's sharing of information if the sharing is not required by law;

6. Provide to individuals:

i. Access to their personally identifiable information that has been processed by the State unit, and methods to correct or amend it, or delete it if allowable by law;

ii. At the time of the collection of personally identifiable information:

1) Notice of:

a. The collection;

b. The purpose of the collection;

c. Any legal authorities requiring the collection of personally identifiable information; and

d. Whether the provision of the personally identifiable information is voluntary; and

2) Instructions on how to receive information, which shall be provided upon request of the individual if allowable by law, about the types of:

a. Personally identifiable information collected about the individual; and

b. Sources from which the personally identifiable information was collected;

iii. At or before the time of the State unit's sharing personally identifiable information, notice of the sharing, including:

1) The nature and sources of personally identifiable information shared;

2) The purpose for which the personally identifiable information is shared and how it will be used;

3) The circumstances in which the personally identifiable information will be shared;

4) The recipients of the shared personally identifiable information;

5) The legal authorities for the sharing of the personally identifiable information; and

6) Any rights the individual may have to:

a. Review the personally identifiable information shared; or

b. Decline the State unit's sharing of personally identifiable information;

7. Prominently display on the State unit's website clear and comprehensive notice informing the public of the State unit's practices and activities regarding the use of personally identifiable information;

8. Adopt a privacy governance and risk management program; and

9. Take reasonable steps to:

i. Ensure that personally identifiable information collected is accurate, relevant, and timely; and

ii. Collect only the personally identifiable information that is relevant and necessary to address the legally authorized purpose of the collection.

**D. The agency privacy officers shall meet at least monthly to provide the SCPO with advice and recommendations about State policies needed to protect the privacy of personally identifiable information.**

**E. On or before April 1 of each year, each State unit shall submit a report to the SCPO that includes:**

1. An inventory of all information systems and applications used or maintained by the State unit;

2. A full data inventory of the State unit;

3. A list of all cloud services used by the State unit; and

4. A list of all permanent and transient vendor interconnections that are in place.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 29th day of July, 2021.

LAWRENCE J. HOGAN, JR.  
 Governor

ATTEST:

JOHN C. WOBENSMITH  
 Secretary of State

[21-17-22]

**EXECUTIVE ORDER 01.01.2021.11****Maryland Total Human-Services Integrated Network**

WHEREAS, Sharing data, information, and technology by the State can help improve the lives of Marylanders;

WHEREAS, Marylanders deserve improved customer service and more efficient State government;

WHEREAS, A commitment has been made by the State, with federal approval and support, to build a groundbreaking technology platform that transforms the State's delivery of vital health and human services to Marylanders;

WHEREAS, Data and technology sharing by the State is accomplished through MD THINK, which was initiated in 2017 as the first such program in the nation;

WHEREAS, MD THINK includes a cloud-based shared data repository that provides integrated access to data held by units of State government so as to improve delivery of services;

WHEREAS, MD THINK provides the State with flexibility in overcoming bureaucratic barriers and assisting Marylanders holistically at different locations and times and through different state and federal programs;

WHEREAS, Sharing data through MD THINK improves the State's ability to best direct its resources and deliver services to Marylanders;

WHEREAS, As a scalable platform with services that can be paid for as used, MD THINK streamlines program operations, increases productivity, and enhances analysis of data; and

WHEREAS, Expanding MD THINK will enable a more holistic use of State programs, modernize the delivery of additional health and human services, and benefit Maryland's vulnerable individuals and families;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE POWER VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, DECLARE THE FOLLOWING, EFFECTIVE IMMEDIATELY:

A. The following terms have the meanings indicated:

1. "Operator" means the unit of State government designated by the MD THINK Committee to develop, maintain, and operate:

i. The Platform; and  
ii. Business products, applications, data, and services in the Portfolio, as may be agreed to with Participating Units.

2. "Participating Unit" means a unit of State government approved by the MD THINK Committee that:

i. Operates business products, applications, data, or services on the Platform;  
ii. Contributes funding to support the development, operation, and maintenance of the Platform; and  
iii. Executes an agreement for access to, or operation or use of, the business products, applications, data, and services hosted and managed on the Platform.

3. "Platform" means the MD THINK platform composed of the servers, network infrastructure, software, and application components established, developed, maintained, and operated to host and manage the Portfolio.

4. "Portfolio" means the business products, applications, data, and services hosted and managed on the Platform, as directed by the MD THINK Committee.

5. "Strategic Initiatives Office" means a management office to support the MD THINK Committee established within the Operator for administrative, staffing, and budgetary purposes.

**B. MD THINK Committee.**

1. There is a MD THINK Committee of the Governor's Executive Council.

2. The members of the MD THINK Committee shall be:

- i. The Secretary of Budget and Management;
- ii. The Secretary of Human Services;
- iii. The Secretary of Information Technology;
- iv. The Secretary of Juvenile Services; and
- v. The Secretary of Health.

3. The Governor or his designee shall chair the MD THINK Committee.

4. The MD THINK Committee shall:

i. Promote the appropriate sharing of data among units of State government;

ii. Set policy, objectives, and priorities for, and govern, MD THINK and its data and information, and Platform technology assets;

iii. Be responsible for the protection, privacy, and appropriate use of shared data and personal information on the Platform;

iv. Designate the Operator;

v. Establish working groups;

vi. Support the Two Generation Family Economic Security Commission in transforming the State's interactions with families, mitigating multigenerational poverty, and promoting family wellbeing;

vii. Make recommendations for State policies and the delivery of services to those who have had adverse childhood experiences so as to reduce their effects; and

viii. Produce a report to the Governor, on or before December 15 of each year, addressing:

1) Its activities and plans in regards to data sharing in the State;

2) The impact of its work on Maryland citizens; and

3) Recommendations for future Executive Branch actions to support increased collaboration in the delivery of health and human services.

C. The Platform shall be developed, maintained, and operated to:

1. Provide support to Participating Units, in accordance with the policies, objectives, and priorities established by the MD THINK Committee;

2. Conform to modernized and current business and technological standards; and

3. Host and manage modernized applications and shared data for the Medicaid Modernization Transformation program for the delivery of Medicaid administrative services.

D. The Strategic Initiatives Office shall:

1. Coordinate and manage the work and activities of the MD THINK Committee;

2. Assess the Platform and Portfolio's compliance with the policies, objectives, and priorities of the MD THINK Committee; and

3. Report to the MD THINK Committee about:

i. Its activities, including any support provided to information privacy or data sharing programs of the State;

ii. Progress on achieving the MD THINK Committee's objectives and priorities;

iii. The implementation, maintenance, and operation of the Platform;

iv. The products, applications, data, and services in the Portfolio, including their availability to specific Participating Units;

v. Any products, applications, data, or services that are no longer needed once hosted on the Platform, including the anticipated termination dates for each;

vi. All agreements with Participating Units, including the expiration of those agreements;

vii. Proposals for any new or additional Participating Units; and

viii. Recommendations for objectives and priorities.

E. The MD THINK Committee, Operator, and Strategic Initiatives Office shall act in accordance and consistently with the Secretary of Information Technology's information technology policies, procedures, and standards and the Statewide Information Technology Master Plan.

F. Data on the Platform shall be shared for authorized business and technical purposes to the maximum extent consistent with appropriate security and privacy practices and standards.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 29th day of July, 2021.

LAWRENCE J. HOGAN, JR.  
Governor

ATTEST:

JOHN C. WOBENSMITH  
Secretary of State

[21-17-23]



# The Judiciary

## COURT OF APPEALS OF MARYLAND

### DISCIPLINARY PROCEEDINGS

This is to certify that by an Opinion and Order of this Court dated July 23, 2021, **MITZI ELAINE DAILEY** (CPF# 941213016), P.O. Box 22297, Baltimore, Maryland 21203, has been disbarred, effective immediately, from the further practice of law in this State and her name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

\* \* \* \* \*

This is to certify that by an Order of this Court dated July 26, 2021, **SAMUEL SPERLING** (CPF# 9606050425), 6300 Lincoln Avenue, Baltimore, Maryland 21209, has been replaced upon the register of attorneys in the Court of Appeals by an Order of the Court on July 29, 2021. Notice of this action is certified in accordance with Maryland Rule 19-761.

[21-17-16]



# Advisory Opinions

## STATE ETHICS COMMISSION

### OPINION NO. 21-01

An opinion has been requested concerning the extent to which the post-employment provision of §5-504(d) of the Public Ethics Law limits the activities of a former Maryland Department of Health (“MDH”) employee now providing services through a private consulting business. This request is presented on behalf of a former Wicomico County Health Department (“WCHD”) Deputy Health Officer (the “Requestor”). Representatives of MDH, WCHD, and the Maryland Department of the Environment (“MDE”) also joined in this request.

As a WCHD Deputy Health Officer, the Requestor’s former job responsibilities related to the development of residential and commercial properties and included the review and approval or disapproval of applications for on-site septic system installation, repair, and replacement, and for evaluations of the suitability of land for placement of on-site septic systems in accordance with Maryland law and regulations. The Requestor’s responsibilities fell within a delegation agreement between MDE and WCHD, where WCHD is responsible for performing delegated duties, and MDE provides oversight and guidance as needed.

The Requestor worked for WCHD for over sixteen years. After resigning from WCHD in 2018, the Requestor formed a private environmental consulting business in Wicomico County, Maryland. According to the entity’s articles of organization, its purpose is “septic system inspection and design”. The Requestor and the State agencies involved in this matter seek clarity on the application of the post-employment restriction of the Public Ethics Law to four specific scenarios as detailed below.

The post-employment provision of the Public Ethics Law provides that “a former official or employee may not assist or represent a party, other than the State, in a case, a contract, or any other specific matter for compensation if . . . (ii) the former official or employee participated significantly in the matter as an official or employee.” Md. Code Ann., Gen. Prov., § 5-504(d).

Applying this prohibition in most situations involves the question of whether the matter is the same matter, and whether the person’s participation while an official or employee was significant. As stated in Opinion No. 07-01, “[t]his section of the law does not prohibit all employment with an agency contractor or entity involved in a matter relating to the former agency. Rather, we look to identify particular or specific matters in which the individual was involved in a significant way in his or her service with the State agency.” The question at issue in this request is whether the matters in which the Requestor seek to be involved as a private consultant are the same matters in which he participated significantly while employed by WCHD.

This request presents four questions for the Commission’s consideration:

- 1) Whether a former WCHD employee, may assist or represent a party for compensation, in a matter before the WCHD, where property owners for certain lots in a subdivision seek changes to a sewage disposal area and approval of lot sizes, where previously, as an employee, he reviewed and/or performed soil testing, and either approved or denied certain lots in a subdivision and/or signed the record plats for the subdivision?
- 2) Whether a former WCHD employee, may assist or represent a party for compensation, in a matter before the WCHD, where a party is seeking to have a property approved for a sewage disposal system as a five bedroom property, where previously, as an employee, he approved a septic system and site plan for the same property as a three bedroom property?
- 3) Whether a former WCHD employee, may assist or represent a party for compensation, in a matter before the WCHD, with the review of an application seeking approval to install a garage workshop within a previously approved designated sewage disposal area, where previously, he as an employee approved the installation of a septic system within the same sewage disposal area?
- 4) Whether a former WCHD employee, may assist or represent a party for compensation, in a matter before the WCHD, to subdivide a property, where previously, as an employee, he approved a prior subdivision of the same property?

The Commission has considered the concepts of matter and significant participation in connection with the application of §5-504(d) of the Public Ethics Law. We have viewed the term “matter” to include “any proceeding, application, submission, request for ruling, or other determination, contract, claim, case, or other such particular matter”. Opinion No. 80-17. The “basic criteria” in determining whether a matter is the same includes “the same basic facts, related issues, the same or related parties, time elapsed, the same confidential information, and the continuing existence of an important [government] interest.” Opinion No. 07-01. “[W]e have considered whether the situation involves discrete and identifiable issues or called-for action so that the parties and issues can be discerned, whether the parties to the matter are the same, whether the State interest is still important, whether the subject matter is the same (such as the same property, same grant, etc.), and whether the issues are the same.” Opinion 91-02. As stated in Opinion No. 95-02, if the matter is the same as one the employee previously participated in, “[t]here is no time limit on this prohibition”. The prohibition extends for the duration of the specific matter.

Significant participation includes “acting or failing to act in one’s official capacity, “personally and substantially, through approval, disapproval, decision, recommendation, the rendering of advice, investigation or otherwise.”” Opinion No. 80-17. “[W]e have generally viewed participation as not being limited to final authority or responsibility for a matter. Providing advice and recommendations as to a matter, for example, is viewed as participation.” Opinion 97-13.

However, the post-employment restrictions have been “found not to apply where the former employee was only tangentially involved” in a matter. Opinion 83-12. In that opinion, the Commission advised the requestor to “continue to keep in mind the various matters in which he participated as a State employee and avoid any representation or assistance regarding these matters for any party other than the State.”

In Opinion No. 91-02, the Commission considered whether a former Division Director of MDE may, through his consulting firm, assist a private client in a situation involving MDE that arose while he was a State employee, and in which he had some involvement. There, the former employee advised that since his departure from MDE, there was now “much more voluminous information”, and accordingly, his firm had been requested to “conduct a review and evaluation... and assist... in preparing a recommendation to the MDE”. Nonetheless, the Commission advised the former employee not to participate in the matter because it “grew directly” from a matter he was previously involved in:

In the situation here, we believe that the consideration of the original investigation constituted an identifiable particular matter which was not resolved and which continues to the present. The parties are the same and the property is the same, and the State continues to have the same interest and authority in dealing with groundwater contamination at the site. Also, though there is apparently a significant increase in information, and the scope and direction of the issues may have fluctuated in the intervening years, we believe that the issues continue as fundamentally the same. In our view, the matter that is currently pending grew directly from the initial submission and review by the agency in which the Request participated, and the original question continues to be a part of the current investigation.

Opinion No. 91-02.

In Opinion No. 97-11, the Commission held that a former Chairman of the Maryland Stadium Authority could not participate in a matter involving a Memorandum of Agreement concerning lease negotiations with the Baltimore Ravens, where, at least five years prior, the Chairman had participated in a Memorandum of Understanding with the Baltimore Orioles that included identical terms and a parity agreement between the two teams. The Commission held that despite time elapsed and significant differences from the previous Memorandum of Understanding, the former Chairman’s participation in the Ravens’ lease negotiations was prohibited under the post-employment provisions of the Public Ethics Law:

We are aware that in the situation here there has been some time elapsed since the Requestor was involved in Authority activities, and that the Ravens agreement involves a client not involved in the Requestor’s State activities. We also recognize that the current Memorandum of Understanding that is a likely basis for a new agreement was generated after the Requestor left the Authority and has some significant differences from the early prototype football agreement developed in part by the former Chairman. Nevertheless, we believe that we must conclude that his participation on behalf of the Ravens in the current negotiations would entail his involvement on behalf of another in a matter in which he participated as an official of the State. It is clear from the

information provided by the Authority that this agreement is being based in substantial part on the Orioles agreement, with the basic outline and many of its specific provisions closely following those developed by the Requestor in his role as Authority Chairman.

Opinion No. 97-11. There, although the Commission determined that the requestor was barred from participating in lease negotiations on behalf of the Ravens, the Commission did “note, however... that the Law does not generally prohibit all affiliations with entities involved with one’s former State agency. Other representation by the Requestor of the Ravens that does not deal with the lease or other specific matters involving determinations or decisions in which the Requestor significantly participated as Authority Chairman would not be barred.” Opinion 97-11.

#### Question 1:

MDH and MDE have provided information that the Requestor, as an employee of WCHD, reviewed and/or performed soil testing, and either approved or denied certain lots in a subdivision and/or signed the record plats for a 22-lot subdivision within Wicomico County. Specifically, MDH and MDE have stated that the Requestor performed soil testing for the subject subdivision in 2011 and signed the record plat for the subdivision in 2013. In 2015, while still a state employee, the Requestor revoked the septic system approval for lots 14-19 of the subdivision, and then a year later approved those lots for onsite septic systems.

In 2018, after resigning from WCHD, MDH and MDE have provided information that the Requestor sought to represent the owners of the subdivision through his consulting business in a matter before WCHD to discuss changing septic system designs within the subdivision. Specifically, lots 14-19 of the subdivision had previously been approved for sand mound septic systems in the front yard, and the subdivision owners sought the Requestor’s assistance in changing the septic system design to one other than a sand mound.

Here, the Requestor significantly participated in this matter as a State employee. The Requestor signed the record plat for the subdivision in 2013, revoked septic system approvals for lots 14-19 in 2015, and thereafter approved the septic systems for those lots. Moreover, the Requestor had considerable responsibility and authority at WCHD in 2015 and 2016.<sup>1</sup> Like the situation before the Commission in Opinion No. 91-02, we believe that here, the consideration of the original septic system approval constituted an identifiable particular matter, which was not resolved, and which continues to the present in the discussions of changing the septic system design as originally approved by the Requestor. These matters would involve consideration of the same basic facts, the same related issues, the same or related parties, and the continuing existence of an important government interest. For these reasons, we advise that the Requestor’s proposed involvement would be prohibited under §5-504(d) of the Public Ethics Law.

#### Question 2:

MDH and MDE have provided information that the Requestor, as an employee of WCHD, created and approved a septic site plan for a

<sup>1</sup> Although the Commission is not aware of the exact dates of the Requestor’s promotions within WCHD, the position descriptions provided by MDH reflect that the Requestor was responsible for “managerial supervision” as early as December, 2007, as the Environmental Sanitarian II. The position descriptions reflect that the Requestor was later promoted to Environmental Sanitarian Director II in 2013, and Deputy Health Officer in 2016.

property as a three-bedroom property in 2002. MDH and MDE have provided information that in 2018, after leaving State service, the Requestor sought to represent the same property owners, through his consulting business, in their request to have the property approved for a sewage disposal system as a five-bedroom property under the existing septic site plan from 2002.

Although the Requestor maintains that his involvement on the property as a WCHD employee was solely as a “closely-supervised Sanitarian Trainee”, the Commission has “generally viewed participation as not being limited to final authority or responsibility for a matter.” Opinion 97-13. At issue in this question is that the Requestor both created and approved a septic site plan for the property. The Requestor acknowledges that that site plan was used to generate the property’s septic permit. These facts support that the Requestor was more than “tangentially involved” in this matter at a State employee, and that the Requestor’s participation was significant.

The Commission also believes that the request to increase the bedrooms on the property from three to five is the same matter under the Public Ethics Law. As a State employee, through creation and approval of the septic site plan, the Requestor significantly participated in approving the septic system on the property to support a three-bedroom home. As a private consultant, the Requestor sought to instead approve the property as a five-bedroom home. This would require further review of the previous septic system, including the existing site plan that the Requestor approved in 2002. In other words, it would involve the same basic facts, the same or related issues, the same or related parties, and the continuing existence of an important governmental interest. Although significant time has passed since the Requestor’s initial involvement as a State employee, “there is no time limit” on the prohibition against former employees working on matters they significantly participated in. For these reasons, we advise that the Requestor’s proposed involvement would be prohibited under §5-504(d) of the Public Ethics Law.

#### Question 3:

MDH and MDE have provided information that the Requestor, as an employee of WCHD, inspected and approved installation of a septic system in a sewage disposal area on the subject property in 2004. In 2018, after leaving State service, the Requestor through his consulting business sought to represent the owners of the property with an application seeking approval to install a garage workshop within the designated sewage disposal area previously reviewed by the Requestor.

The Requestor was involved in inspecting and approving installation of the septic system on the given property. This level of participation is more than “tangential” involvement, and the Commission finds this involvement to be significant participation. The Requestor points to the passage of time to support his position that he did not significantly participate, and we again note that there is no time limitation on this prohibition against a former employee working on the same matter for anyone other than the State.

The Commission concludes that the 2004 and 2018 reviews are the same for the purposes of the Public Ethics Law. Sewage disposal areas are required to meet certain physical and distance requirements pursuant to the Code of Maryland Regulations 26.04.02.04(E). One such requirement is that the sewage disposal area must be exclusive

of buildings and any other permanent or physical objects.<sup>2</sup> MDH states that the desired garage workshop would be, without prior authorization, a prohibited structure under the regulation. Because the Requestor’s prior participation in approving the septic system as a State employee directly relates to (and without prior authorization, directly prohibits) the outcome now desired by the property owners, we believe seeking to install a garage workshop within the sewage disposal area is a matter that grew directly from the initial review and approval by the agency in which the Requestor participated. Moreover, the Requestor’s consideration of the original application constituted an identifiable particular matter which was not resolved and continues to the present.

The Commission concludes that the Requestor is prohibited by §5-504(d) of the Public Ethics Law from representing the property owner in seeking this change to the sewage disposal system given his previous significant participation in the same matter as a State employee.

#### Question 4:

MDH and MDE have provided information that in 2015, as an employee of WCHD, the Requestor approved a subdivision on the subject property. MDH and MDE state that thereafter, the Requestor sought to perform a re-subdivision of the same property. The Requestor maintains that he is working with the owner of a property on a neighboring parcel only.

To the extent that the Requestor was involved in 2015 in approving a subdivision on the property as a State employee, and now wishes to assist a private client through his consulting business to re-subdivide the same property, the Requestor would be prohibited from doing so under the Public Ethics Law. The Requestor was the Deputy Health Officer in 2015 and held significant responsibility and authority. Moreover, working to re-subdivide the same property, now on behalf of the property owners, would involve the same basic facts, related issues, same or related parties, and the continuing existence of an important governmental interest, and would entail reviewing the current subdivision in place in which the Requestor previously significantly participated as a State employee. Such a matter would have grown directly from the initial submission and review by the agency in which the Request participated.

Based on the information provided and the principles developed in prior opinions applying the post-employment provisions of the Public Ethics Law, we therefore advise the Requestor that for each of the questions presented in this request, the matter in which he seeks to participate as a private consultant involves a matter in which he previously significantly participated as a state employee. Similar to the situation before the Commission in Opinion No. 91-02, each matter “grew directly from the initial submission and review by the agency in which the Requestor participated, and the original question continues to be part of the current investigation.” The Requestor’s proposed involvement on behalf of the private owners as described herein is therefore prohibited by §5-504(d) of the Public Ethics Law.

As the Commission has noted previously, the Public Ethics Law does not prohibit all affiliations with entities involved with one’s former

<sup>2</sup> The Code of Maryland Regulations 21.04.02.04 provides that “Sewage disposal areas shall meet all physical and distance requirements outlined in regulations .03 and 04 of this chapter, exclusive of easements, rights-of-way, buildings, and any other permanent or physical objects, and may not be disturbed by earth moving, compaction, tree removal or grading after approval by the Approving Authority without prior authorization of the Approving Authority.”

State agency. Other representation by the Requestor before the WCHD that does not deal with specific matters which the Requestor significantly participated as a State employee would not be barred. The Requestor is encouraged to continue to keep in mind the matters in which he participated as a State employee, and to seek Commission advice regarding future participation in such matters.

Janet E. McHugh  
James N. Robey, Jr.  
Craig D. Roswell  
Geneau M. Thames

July 8, 2021

[21-17-09]





# Emergency Action on Regulations

## Symbol Key

- Roman type indicates text existing before emergency status was granted.
- *Italic type* indicates new text.
- [Single brackets] indicate deleted text.

## Emergency Regulations

Under State Government Article, §10-111(b), Annotated Code of Maryland, an agency may petition the Joint Committee on Administrative, Executive, and Legislative Review (AELR), asking that the usual procedures for adopting regulations be set aside because emergency conditions exist. If the Committee approves the request, the regulations are given emergency status. Emergency status means that the regulations become effective immediately, or at a later time specified by the Committee. After the Committee has granted emergency status, the regulations are published in the next available issue of the Maryland Register. The approval of emergency status may be subject to one or more conditions, including a time limit. During the time the emergency status is in effect, the agency may adopt the regulations through the usual promulgation process. If the agency chooses not to adopt the regulations, the emergency status expires when the time limit on the emergency regulations ends. When emergency status expires, the text of the regulations reverts to its original language.

## Title 09

### MARYLAND DEPARTMENT OF LABOR

#### Subtitle 09 MARYLAND BOARD OF ELECTRICIANS

##### Notice of Emergency Action [21-100-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to the Maryland Board of Electricians to:

- (1) Amendments to Regulations **.01—.04** under **COMAR 09.09.01 Fees and Deadlines**;
- (2) Amendments to Regulations **.01—.03** under **COMAR 09.09.02 Continuing Education**; and
- (3) New Regulation **.02** under **COMAR 09.09.03 General Regulations**.

**Emergency status began: July 15, 2021.**

**Emergency status expires: December 1, 2021.**

Editor's Note: The text of this document will not be printed here because it appears as a Notice of Proposed Action on pages 671—672 of this issue, referenced as [21-100-P].

JACK N. WILSON, JR.  
Chairman  
Maryland Board of Master Electricians

## Title 15

### MARYLAND DEPARTMENT OF AGRICULTURE

#### Subtitle 01 OFFICE OF THE SECRETARY

##### 15.01.05 Cost Sharing — Water Pollution Control Program

Authority: Agriculture Article, §§2-103, 8-703, 8-704, and 8-803.1, Annotated Code of Maryland

##### Notice of Emergency Action [21-096-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulation **.10** under **COMAR 15.01.05 Cost Sharing — Water Pollution Control Program**.

**Emergency status began: July 30, 2021.**

**Emergency status expires: December 20, 2021.**

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 48:16 Md. R. 644 (July 30, 2021), referenced as [21-096-P].

JULIANNE A. OBERG  
Deputy Secretary of Agriculture

# Title 28 OFFICE OF ADMINISTRATIVE HEARINGS

## Notice of Emergency Action

[21-102-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to:

(1) Amendments to Regulation .01 under COMAR 28.03.01 Fee Assessment and Payment; Waivers; and

(2) New Regulations .01—.08 under a new chapter, COMAR 28.05.01 Compensation to Individual Erroneously Convicted, Sentenced, and Confined, under a new subtitle, Subtitle 05 Compensation to Individual Erroneously Convicted, Sentenced, and Confined.

Emergency status began: July 16, 2021.

Emergency status expires: December 20, 2021.

## Comparison to Federal Standards

There is no corresponding federal standard to this emergency action.

## Economic Impact on Small Businesses

The emergency action has minimal or no economic impact on small businesses.

## Subtitle 03 FEES

### 28.03.01 Fee Assessment and Payment; Waivers

Authority: State Finance and Procurement Article, §10-501; State Government Article, §§9-1604, 10-206, and 10-215[.]; Annotated Code of Maryland

#### .01 Scope.

A. (text unchanged)

B. These regulations do not apply to:

(1)—(3) (text unchanged)

(4) Individual parties in hearings regarding claims for assistance or reimbursement of assistance involving:

(a)—(d) (text unchanged)

(e) Public assistance pursuant to Human Services Article, Title 5, Annotated Code of Maryland; [or]

(f) Community services pursuant to Human Services Article, Title 6, Annotated Code of Maryland[.]; or

(g) A request for order of eligibility or a petition for supplemental compensation pursuant to State Finance and Procurement Article, §10-501, Annotated Code of Maryland.

## Subtitle 05 COMPENSATION TO INDIVIDUAL ERRONEOUSLY CONVICTED, SENTENCED, AND CONFINED

### 28.05.01 Compensation to Individual Erroneously Convicted, Sentenced and Confined

Authority: State Finance and Procurement Article, §10-501, Annotated Code of Maryland

**NOTE: The appendices referenced in this chapter can be found on the pages following this action.**

#### .01 Purpose.

This chapter supplements the procedures for adjudicating a request for order of eligibility for compensation and a petition for supplemental compensation as required by law.

#### .02 Scope.

A. *Applicability.* This chapter applies to a request for an order of eligibility for compensation and a petition for supplemental compensation made in accordance with State Finance and Procurement Article, §10-501, Annotated Code of Maryland.

B. This chapter shall be construed to ensure the fair and expeditious review of each request or petition.

C. The adjudication of a request for order of eligibility for compensation or a petition for supplemental compensation is a contested case proceeding subject to State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, and the Rules of Procedure found in COMAR 28.02.01.

#### .03 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. *Terms Defined.*

(1) “ALJ” means an individual:

(a) Appointed by the Chief Administrative Law Judge under State Government Article, §9-1604, Annotated Code of Maryland; or

(b) Designated by the Chief Administrative Law Judge under State Government Article, §9-1607, Annotated Code of Maryland.

(2) “Application” means a written application for reasonable attorney’s fees and expenses under State Finance and Procurement Article, §10-501(c)(3) or (d)(1)(ii), Annotated Code of Maryland.

(3) “Chief Judge” means the Chief Administrative Law Judge of the Office.

(4) “Claimant” means an individual who files a request for an order of eligibility under State Finance and Procurement Article, §10-501, Annotated Code of Maryland.

(5) “Filed” means that a document is postmarked or received in accordance with Regulation 28.02.01.04D.

(6) “Office” means the Office of Administrative Hearings.

(7) “Other benefits” means those services provided by a State service provider identified in State Finance and Procurement Article, §10-501(a)(2), Annotated Code of Maryland.

(8) “Petition for supplemental compensation” means a request for an order of supplemental compensation under State Finance and Procurement Article, §10-501(c)(3), Annotated Code of Maryland.

(9) “Petitioner” means an individual who files a petition for supplemental compensation under State Finance and Procurement Article, §10-501(c)(3), Annotated Code of Maryland.

(10) "Request" means a request for order of eligibility for compensation under State Finance and Procurement Article, §10-501, Annotated Code of Maryland.

**.04 Filing and Service of a Request for Order of Eligibility.**

A. A claimant requesting an order of eligibility shall file the request with the Office as required by State Finance and Procurement Article, §10-501(b)(3), Annotated Code of Maryland, COMAR 28.02.01.04D, and this chapter.

B. The request shall be captioned "In the Matter of the Wrongful Conviction of (Claimant(s)) v. Board of Public Works."

C. The request shall include:

(1) The name of the county where the alleged erroneous judgment of conviction for a felony was entered;

(2) The name of the current State's Attorney in the county where the alleged erroneous judgment of conviction for a felony was entered;

(3) The conviction date; and

(4) The duration of the alleged erroneous confinement.

D. A claimant may initiate a request for order of eligibility by filing a form substantially similar to that in Appendix A of this chapter.

E. A request for order of eligibility shall be served on:

(1) The current State's Attorney in the county where the alleged erroneous judgment of conviction for the felony was entered; and

(2) The Office of the Attorney General.

**.05 Filing and Service of a Petition for Order of Supplemental Compensation.**

A. A petitioner requesting an order of supplemental compensation shall file the petition with the Office as required by State Finance and Procurement Article, §10-501(c)(3), Annotated Code of Maryland, COMAR 28.02.01.04D, and this chapter.

B. The petition shall be captioned: "In the Matter of the Wrongful Conviction of (Claimant(s)) v. Board of Public Works."

C. The petition shall include:

(1) The date or dates on which the previous compensation was awarded;

(2) The amount of the previous compensation;

(3) The conviction date; and

(4) The duration of the alleged erroneous confinement.

D. A petitioner may initiate a request for order of supplemental compensation by filing a form substantially similar to that in Appendix B of this chapter.

E. A petition for order of supplemental compensation shall be served on:

(1) The current State's Attorney in the county where the alleged erroneous judgment of conviction for the felony was entered; and

(2) The Office of the Attorney General.

**.06 Prehearing Conference.**

A. Upon receipt of a request or a petition, the Office will schedule a prehearing conference.

B. The Office will send to all parties:

(1) Notice of the prehearing conference;

(2) Instructions for the prehearing conference; and

(3) An identification of benefits form substantially similar to that in Appendix C of this chapter.

C. The prehearing conference may address any issue set out in COMAR 28.01.02.17C and shall address the following matters:

(1) Scope of any evidentiary hearing, including the application of a clear and convincing burden of proof;

(2) Stipulations;

(3) Subpoenas duces tecum for records;

(4) Participation of each party in each stage of the proceedings;

(5) Motions;

(6) For a request, identification of the asserted factual basis for eligibility under State Finance and Procurement Article, §10-501(b)(1)(ii), Annotated Code of Maryland;

(7) For a petition, identification of the asserted factual basis for eligibility under State Finance and Procurement Article, §10-501(c)(3), Annotated Code of Maryland;

(8) Identification of any requested benefit and State service provider under State Finance and Procurement Article, §10-501(a)(2), Annotated Code of Maryland;

(9) Scheduling of any post-hearing process, as necessary, to determine requested benefits;

(10) Applications for reasonable attorney's fees and expenses;

(11) Alternative dispute resolution;

(12) Scheduling; and

(13) Any other matter that will promote the order and prompt resolution of the request or petition.

D. Conduct.

(1) All parties shall participate in the prehearing conference.

(2) The ALJ shall record the prehearing conference.

(3) The ALJ shall issue a prehearing conference order setting forth the actions taken or to be taken regarding the matters addressed at the prehearing conference.

(4) The prehearing order shall be part of the case record.

**.07 Application for Reasonable Attorney's Fees and Expenses.**

A. Within 15 days of the conclusion of the evidentiary hearing, the claimant may file a written request for reasonable attorney's fees and expenses under State Finance and Procurement Article, §10-501(c)(3) or (d)(1)(ii), Annotated Code of Maryland.

B. The claimant shall submit supporting documentation, including time records, with the application.

C. The claimant shall serve the application and supporting documentation on all parties to the proceeding.

D. A party may file a response to the application within 15 days after the date the application was filed.

E. If the ALJ determines that the record is insufficient for review of the application, the ALJ may order the claimant or petitioner to supplement the record.

F. The ALJ shall include a ruling on the application in the final order pursuant to State Finance and Procurement Article, §10-501(d)(1)(ii), Annotated Code of Maryland.

G. Only one attorney will be compensated unless the participation of more than one attorney is justified for a specific purpose.

H. The ALJ may consider the following factors when awarding attorney's fees:

(1) The time and labor required;

(2) The novelty and difficulty of the questions;

(3) The skill required to perform the legal service properly;

(4) Whether acceptance of the case precluded other employment by the attorney;

(5) The customary fee for similar legal services;

(6) Any time limitations imposed by the client or the circumstances;

(7) The amount of compensation involved and the results obtained;

(8) The experience, reputation, and ability of the attorneys;

(9) The undesirability of the case;

(10) The nature and length of the professional relationship with the client; and

(11) Awards in similar cases.

*I. Guidelines regarding hourly rates are as follows:*

- (1) Lawyers admitted to the bar for less than 8 years: \$125—\$225.*
- (2) Lawyers admitted to the bar for 9—14 years: \$165—\$300.*
- (3) Lawyers admitted to the bar for 15 years or more: \$200—\$400.*
- (4) Paralegals and law clerks: \$75—\$100.*

**.08 Final Decisions.**

*A. If an ALJ finds that the claimant or petitioner has proven the elements required under State Finance and Procurement Article, §10-501(d), Annotated Code of Maryland, the ALJ shall issue a decision finding the individual eligible for compensation and benefits.*

*B. The ALJ shall include in the decision:*

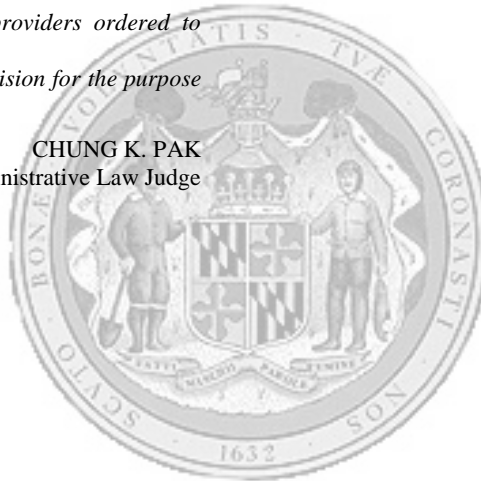
- (1) The monetary award;*
- (2) Reasonable attorney's fees and expenses;*
- (3) Benefits to be awarded; and*
- (4) If the ALJ determines that it is in the interests of the claimant or petitioner, a recommendation for an expedited payment schedule.*

*C. The Office shall deliver the decision to:*

- (1) Each party or party representative;*
- (2) The Board of Public Works; and*
- (3) Any State agency or State service providers ordered to provide benefits.*

*D. The ALJ's decision is the final agency decision for the purpose of judicial review.*

CHUNG K. PAK  
Chief Administrative Law Judge



MARYLAND OFFICE OF ADMINISTRATIVE HEARINGS  
ADMINISTRATIVE LAW BUILDING - 11101 GILROY ROAD  
HUNT VALLEY, MARYLAND 21031-1301  
(410) 229-4100 – TTD: (410) 229-4267

**IDENTIFICATION OF BENEFITS REQUESTED**

(Print clearly or type)

*In the Matter of the Wrongful Conviction of \_\_\_\_\_ (Claimant[s]) v.  
The Board of Public Works, OAH Case No: \_\_\_\_\_*

Check benefits sought upon determination of eligibility for compensation and identify the State service provider(s).

☐ State Identification Card

State service provider(s): \_\_\_\_\_

☐ Housing Accommodations

State service provider(s): \_\_\_\_\_

☐ Education and Training

State service provider(s): \_\_\_\_\_

☐ Health Care

State service provider(s): \_\_\_\_\_

☐ Dental Care

State service provider(s): \_\_\_\_\_

☐ Enrollment and Payment of Tuition and Fees

State service provider(s): \_\_\_\_\_

☐ Reimbursement of Court Fines, Fees and Restitution Paid

State service provider(s): \_\_\_\_\_

MARYLAND OFFICE OF ADMINISTRATIVE HEARINGS  
ADMINISTRATIVE LAW BUILDING - 11101 GILROY ROAD  
HUNT VALLEY, MARYLAND 21031-1301  
(410) 229-4100 – TTD: (410) 229-4267

**PETITION FOR SUPPLEMENTAL COMPENSATION UNDER SECTION 10-501 OF THE STATE FINANCE &  
PROCUREMENT ARTICLE OF THE MARYLAND ANNOTATED CODE  
(THE WALTER LOMAX ACT)**

(Print clearly or type)

*In the Matter of the Wrongful Conviction of \_\_\_\_\_ (Claimant[s]) v.  
The Board of Public Works*

Address: \_\_\_\_\_  
Street Name & No./Apt. No. City & State Zip Code

Telephone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

If you provide your email address, do you consent to the electronic delivery of notice to the email address  
provided? Yes \_\_\_\_\_ No \_\_\_\_\_

Attorney\* Information: \_\_\_\_\_  
Name & Address

\_\_\_\_\_  
Phone No. Email

\*You are not required to be represented by an attorney.

**PREVIOUS COMPENSATION INFORMATION**

Date(s) on which previous compensation was awarded: \_\_\_\_\_

Amount of previous compensation: \_\_\_\_\_

Conviction\* Date(s): \_\_\_\_\_

Length of Sentence: \_\_\_\_\_

Length of Confinement: \_\_\_\_\_

\*The conviction must be for a felony.

NO FILING FEE IS REQUIRED FOR THIS TYPE OF HEARING.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a copy of this Petition For Supplemental Compensation Under Section 10-501 of the State Finance & Procurement Article of the Maryland Annotated Code was served via first-class mail on the following individuals:

\_\_\_\_\_, the currently-serving State's Attorney/State's Attorney's  
designee for \_\_\_\_\_ County or Baltimore City (circle if applicable); and  
\_\_\_\_\_, Attorney General of the State of Maryland/Attorney  
General's designee.

\_\_\_\_\_  
Signature

MARYLAND OFFICE OF ADMINISTRATIVE HEARINGS  
ADMINISTRATIVE LAW BUILDING - 11101 GILROY ROAD  
HUNT VALLEY, MARYLAND 21031-1301  
(410) 229-4100 – TTD: (410) 229-4267

**REQUEST FOR AN ORDER OF ELIGIBILITY UNDER SECTION 10-501 OF THE STATE FINANCE & PROCUREMENT  
ARTICLE OF THE MARYLAND ANNOTATED CODE (THE WALTER LOMAX ACT)**

(Print clearly or type)

*In the Matter of the Wrongful Conviction of \_\_\_\_\_ (Claimant[s]) v.  
The Board of Public Works*

Address: \_\_\_\_\_  
Street Name & No./Apt. No. City & State Zip Code

Telephone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

If you provide your email address, do you consent to the electronic delivery of notice to the email address  
provided? Yes \_\_\_\_\_ No \_\_\_\_\_

Attorney\* Information: \_\_\_\_\_  
Name & Address

\_\_\_\_\_  
Phone No. Email

\*You are not required to be represented by an attorney.

**CONVICTION\* INFORMATION**

City/County where alleged erroneous judgment of conviction was entered:

\_\_\_\_\_

Currently-serving State's Attorney where alleged erroneous judgment of conviction was entered:

\_\_\_\_\_

Conviction Date(s): \_\_\_\_\_

Length of Sentence: \_\_\_\_\_

Length of Confinement: \_\_\_\_\_

\*The conviction must be for a felony.

NO FILING FEE IS REQUIRED FOR THIS TYPE OF HEARING.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature



**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a copy of this Request for Order of Eligibility Under Section 10-501 of the State Finance & Procurement Article of the Maryland Annotated Code was served via first-class mail on the following individuals:

\_\_\_\_\_, the currently-serving State's Attorney/State's Attorney's  
designee for \_\_\_\_\_ County or Baltimore City (circle if applicable); and  
\_\_\_\_\_, Attorney General of the State of Maryland/Attorney  
General's designee.

\_\_\_\_\_  
Signature



# Final Action on Regulations

## Symbol Key

- Roman type indicates text already existing at the time of the proposed action.
- *Italic type* indicates new text added at the time of proposed action.
- Single underline, italic indicates new text added at the time of final action.
- Single underline, roman indicates existing text added at the time of final action.
- [[Double brackets]] indicate text deleted at the time of final action.

## Title 10 MARYLAND DEPARTMENT OF HEALTH

### Notice of Final Action

[21-030-F]

On July 19, 2021, the Secretary of Health adopted amendments to:

(1) Regulation **.12** under **COMAR 10.10.13 Medical Laboratories — Testing for Hereditary and Congenital Disorders in Newborn Infants**; and

(2) Regulation **.05** under **COMAR 10.52.12 Newborn Screening**.

This action, which was proposed for adoption in 48:3 Md. R. 105—106 (January 29, 2021), has been adopted as proposed.

**Effective Date: August 23, 2021.**

DENNIS R. SCHRADER  
Secretary of Health

## Subtitle 27 BOARD OF NURSING

### 10.27.01 Examination and Licensure

Authority: Health Occupations Article, §§8-205(a)(1), (2), (5), and (6), 8-701, and 8-7A-01, Article III(b)(2), Annotated Code of Maryland; Chs. 281 and 282, Acts of 2013

### Notice of Final Action

[20-178-F]

On July 19, 2021, the Secretary of Health adopted amendments to Regulations **.01**, **.05**, and **.10** under **COMAR 10.27.01 Examination and Licensure**. This action, which was proposed for adoption in 47:23 Md. R. 987—988 (November 6, 2020), has been adopted as proposed.

**Effective Date: August 23, 2021.**

DENNIS R. SCHRADER  
Secretary of Health

## Title 20 PUBLIC SERVICE COMMISSION

### Subtitle 31 TERMINATIONS OF SERVICE

#### 20.31.05 Utility Service Protection Program

Authority: Public Utilities Article, §§2-113, 2-121, 5-101, and 7-307, Annotated Code of Maryland

### Notice of Final Action

[21-063-F]

On July 22, 2021, the Maryland Public Service Commission adopted amendments to Regulations **.01**, **.05**, and **.07—.09** under **COMAR 20.31.05 Utility Service Protection Program**. This action, which was proposed for adoption in 48:10 Md. R. 407—408 (May 7, 2021), has been adopted as proposed.

**Effective Date: August 23, 2021.**

ANDREW S. JOHNSTON  
Executive Secretary  
Public Service Commission

# Proposed Action on Regulations

For information concerning citizen participation in the regulation-making process, see inside front cover.

## Symbol Key

- Roman type indicates existing text of regulation.
- *Italic type* indicates proposed new text.
- [Single brackets] indicate text proposed for deletion.

## Promulgation of Regulations

An agency wishing to adopt, amend, or repeal regulations must first publish in the Maryland Register a notice of proposed action, a statement of purpose, a comparison to federal standards, an estimate of economic impact, an economic impact on small businesses, a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations. The opportunity for public comment must be held open for at least 30 days after the proposal is published in the Maryland Register.

Following publication of the proposal in the Maryland Register, 45 days must pass before the agency may take final action on the proposal. When final action is taken, the agency must publish a notice in the Maryland Register. Final action takes effect 10 days after the notice is published, unless the agency specifies a later date. An agency may make changes in the text of a proposal. If the changes are not substantive, these changes are included in the notice of final action and published in the Maryland Register. If the changes are substantive, the agency must repropose the regulations, showing the changes that were made to the originally proposed text.

Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken. When an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.

## Title 07

## DEPARTMENT OF HUMAN SERVICES

### Subtitle 02 SOCIAL SERVICES ADMINISTRATION

#### 07.02.11 Out-of-Home Placement Program

Authority: Courts and Judicial Proceedings Article, §§3-801, 3-802, 3-815, 3-816.1, 3-817, 3-819.1, 3-819.2, 3-820, and 3-823; Education Article, §§7-101(b) and 15-106.1; Family Law Article, §§5-501, 5-504, 5-524—5-534, 5-701, and 5-709; Human Services Article, §9-101 et seq.; Annotated Code of Maryland

(Agency Note: Federal Regulatory Reference: 42 U.S.C. §§620 et seq., 670 et seq.; 45 CFR §205.10; 45 CFR §303.72; 45 CFR 1355—1357)

#### Notice of Proposed Action

[21-101-P]

The Secretary of Human Services proposes to amend Regulation .08 under **COMAR 07.02.11 Out-of-Home Placement Program**.

#### Statement of Purpose

The purpose of this action is to revise the Medical Care regulation at COMAR 07.02.11.08 to improve health care services for children in out-of-home care.

The proposed action would require local departments of social services to make reasonable efforts to ensure that the comprehensive health assessment required by the existing regulation is completed within a time frame that allows for the inclusion of its findings and resulting individualized treatment plan in a written comprehensive assessment report.

The proposed action would also require local departments of social services to make reasonable efforts to schedule an initial oral health evaluation by a dentist within 90 calendar days of initial placement if a child is 1 year old or older upon entry, or within 90 calendar days after the child's first birthday if the child is younger than 1 year old when placed.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Lauren C. Graziano, Director of Government Affairs, The Department of Human Services, 311 W. Saratoga Street, Baltimore, MD 21201, or call 410-767-6886, or email to [laurenc.graziano@maryland.gov](mailto:laurenc.graziano@maryland.gov). Comments will be accepted through September 13, 2021. A public hearing has not been scheduled.

#### .08 Medical Care.

A.—J. (text unchanged)

K. Within 10 working days of a child entering initial placement, the local department shall refer the child for a comprehensive health assessment. *The local department shall make reasonable efforts to ensure that the comprehensive health assessment is completed within a time frame that allows for the inclusion of its findings and resulting individualized treatment plan in a written comprehensive assessment report.* The local department shall ensure that [every effort is] *reasonable efforts* are made to secure the written assessment report [by the 60th day] *within 60 calendar days of initial placement.*

L.—O. (text unchanged)

P. *The local department shall make reasonable efforts to schedule an initial oral health evaluation by a dentist within 90 calendar days of initial placement if the child is 1 year old or older upon entry, or within 90 calendar days after the child's first birthday if the child is younger than 1 year old when placed.* The local department shall schedule *subsequent* dental care for children 1 year old and older, which shall include check-ups every 6 months and necessary dental

treatment to be provided by the managed care organization or fee-for-service provider.

Q.—Z. (text unchanged)

LAUREN C. GRAZIANO  
Director of Government Affairs

# **Title 09**

## **MARYLAND DEPARTMENT OF LABOR**

### **Subtitle 09 MARYLAND BOARD OF [MASTER] ELECTRICIANS**

#### **Notice of Proposed Action**

[21-100-P]

The State Board of Electricians proposes to:

(1) Amend Regulations .01—.04 under **COMAR 09.09.01 Fees and Deadlines**;

(2) Amend Regulations .01—.03 under **COMAR 09.09.02 Continuing Education**; and

(3) Adopt new Regulation .02 under **COMAR 09.09.03 General Regulations**.

This action was considered at a public meeting of the State Board of Master Electricians (now the State Board of Electricians, effective July 1, 2021, by operation of Ch. 703 (S.B. 762), Acts of 2021) held on April 27, 2021, notice of which was provided by posting on the State Board of Master Electricians' website, in accordance with General Provisions Article, §3-302(c)(ii), Annotated Code of Maryland.

#### **Statement of Purpose**

The purpose of this action is to establish fees applicable to the licensing of apprentice and journeyman electricians; to amend continuing education requirements and establish related requirements for journeyman electrician license renewal; and to adopt a new regulation pertaining to required licensure in compliance with legislative changes to Business Occupations and Professions, Title 6, Annotated Code of Maryland, effective July 1, 2021.

#### **Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

#### **Estimate of Economic Impact**

**I. Summary of Economic Impact.** The Board may realize increased revenue from additional license categories. The regulated industries and the general public may realize a benefit from the reduction of licensing fees associated with the provision of electrical services in the State and a potentially larger population of licensed individuals available to provide such services.

<b>II. Types of Economic Impact.</b>	Revenue (R+/R-)	<b>Magnitude</b>
	Expenditure (E+/E-)	
A. On issuing agency:	(R+)	Indeterminable
B. On other State agencies:	NONE	
C. On local governments:	NONE	

	Benefit (+) Cost (-)	<b>Magnitude</b>
D. On regulated industries or trade groups:	(-)	Indeterminable
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	(+)	Indeterminable

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

A. The Board will experience some additional revenue from the nominal license fees charged for additional license classifications required by the Maryland Legislature. However, the agency cannot determine at this time how many prospective new licensees exist.

D. The regulated industry will realize increased revenue from reduced license fees. At this time, the agency cannot determine how many prospective licensees exist or who will be affected.

F. The public may experience a benefit in the cost of services by service providers as a result of reduced license fees.

#### **Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

#### **Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

#### **Opportunity for Public Comment**

Comments may be sent to Robin Bailey, Executive Director, Mechanical Board, Department of Labor, 500 N. Calvert Street, Baltimore, MD 21202, or call 410-230-6160, or email to robin.bailey@maryland.gov, or fax to 410-244-0977. Comments will be accepted through September 13, 2021. A public hearing has not been scheduled.

#### **Open Meeting**

Final action on the proposal will be considered by Maryland Board of Electricians during a public meeting to be held on September 28, 2021, at the Department of Labor, 500 North Calvert Street, Third Floor, Baltimore, MD 21202.

### **09.09.01 Fees and Deadlines**

Authority: Business Occupations and Professions Article, §§6-205, 6-207, 6-305, 6-306, and 6-306.1, Annotated Code of Maryland

#### **.01 Purpose.**

This chapter is intended to carry out the provisions of Business Regulation Article, §§2-106.9 and 2-106.10, Annotated Code of Maryland, and Business Occupations and Professions Article, Title 12, Annotated Code of Maryland. In particular, it is intended to set various fees in order to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the State Board of [Master] Electricians, the State Board of Stationary Engineers, the State Board of Plumbing, and the State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors.

#### **.02 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1) "Board" means the State Board of [Master] Electricians.

(2) (text unchanged)

- (3) “Mechanical boards” means collectively the:
  - (a) State Board of [Master] Electricians;
  - (b)—(d) (text unchanged)
- (4) (text unchanged)

**.03 Fees and Costs.**

A. The Secretary and the mechanical boards have agreed to average their direct and indirect costs, based on the calculation of costs performed by the Secretary in consultation with the mechanical boards. Based on these calculations, the Board sets the following fees:

- (1) *Original License* [— \$20.]:
  - (a) *Master* — \$20;
  - (b) *Journeyman* — \$15; and
  - (c) *Apprentice* — \$10.
- (2) *License renewal* [— \$25.]:
  - (a) *Master* — \$25;
  - (b) *Journeyman* — \$15; and
  - (c) *Apprentice* — \$10.
- (3)—(9) (text unchanged)

B. (text unchanged)

**.04 Deadlines.**

If an individual fails to pass [the] *a required license* examination, the individual shall wait a period of at least 30 days before retaking the examination.

**09.09.02 Continuing Education**

Authority: Business Occupations and Professions Article, §§6-205(2)(ii) and 6-310(c)(3), Annotated Code of Maryland

**.01 Required Hours of Continuing Education.**

A. [Except as provided in §B of this regulation, to be eligible for renewal of a license, a master electrician shall have completed 10 hours of continuing education during the prior license term, as required by Business Occupations and Professions Article, §6-310(c)(3), Annotated Code of Maryland.] *To be eligible for renewal of a license, as required by Business Occupations and Professions Article, §6-310(c)(3), Annotated Code of Maryland, an applicant shall have completed during the prior license term:*

- (1) *10 hours of qualifying continuing education for renewal of a master license; and*
- (2) *5 hours of qualifying continuing education for renewal of a journeyman license.*

[B. Application of Continuing Education Requirements.

(1) If a license expires on or before July 30, 2013, a licensee is not required to fulfill the continuing education requirement as provided in §A of this regulation.

(2) If a license expires between August 1, 2013 and July 30, 2014, a licensee is required to fulfill 50 percent of the continuing education requirement as provided in §A of this regulation.

(3) If a license expires on or after August 1, 2014, a licensee is required to fulfill the full continuing education requirement as provided in §A of this regulation.]

[C.] B.—[D.] C. (text unchanged)

**.02 Subject Matter for Continuing Education.**

[A.] Continuing educational hours from a course or training satisfy the requirement of Regulation .01A of this chapter if the course or training is:

[(1)] A. Based on any article of or update to the National Electrical Code (NEC) [currently adopted by the Board] *or any local variants adopted by a local board in accordance with Business Occupations and Professions Article, §6-205(b)(1), Annotated Code of Maryland;* [or]

[(2)] B. Based on any code or standard of the National Fire Protection Association (NFPA) that relates to the provision of electrical services as defined in Business Occupations and Professions Article, [§6-101(i)] *§6-101(k), Annotated Code of Maryland;* or

C. *Compliant with the requirements set forth in Business Occupations and Professions Article, §6-205(b), Annotated Code of Maryland.*

[B. The course or training shall be offered by a provider approved by the Board.]

**.03 Approved Methods for Completion of Required Continuing Education.**

At least 5 of the 10 hours of continuing education required by Regulation [.01A] .01A(1) of this chapter for *master* license renewal shall be obtained in a classroom setting.

**09.09.03 General Regulations**

Authority: Business Occupations and Professions Article, §§6-205(2), 6-307.1, and 6-604(c), Annotated Code of Maryland

**.02 Apprentice License Required for Journeyman License Eligibility.**

*On or after July 1, 2024, to be eligible for a journeyman license, an applicant shall have held, for a period of 4 years, a current apprentice license issued by the Board or a local board, and during that period shall have completed the 4-year work experience requirement pursuant to Business Occupations and Professions Article, §6-304(c), Annotated Code of Maryland, to receive credit toward eligibility for a journeyman license.*

JACK N. WILSON, JR.

Chairman

Maryland Board of Master Electricians

# Title 10 MARYLAND DEPARTMENT OF HEALTH

## Subtitle 09 MEDICAL CARE PROGRAMS

### 10.09.50 EPSDT School Health-Related Services or Health-Related Early Intervention Services

Authority: Health-General Article, §§2-104(b), 15-103, and 15-124, Annotated Code of Maryland

**Notice of Proposed Action**

[21-099-P]

The Secretary of Health proposes to amend Regulation .07 under COMAR 10.09.50 EPSDT School Health-Related Services or Health-Related Early Intervention Services.

**Statement of Purpose**

The purpose of this action is to permit coverage of telehealth services rendered via audio-only and audio-visual technology by removing a categorical exclusion on services not rendered in person.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has an impact on individuals with disabilities as follows:

The proposed action impacts children receiving school-based services pursuant to an IEP or an IFSP because it enables them to access certain services remotely, making their care less dependent on the in-person school setting.

**Opportunity for Public Comment**

Comments may be sent to Jason Caplan, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through September 13, 2021. A public hearing has not been scheduled.

**.07 Payment Procedures.**

A. (text unchanged)

B. Providers may not bill the Program for:

(1) Services *not* rendered [by mail or telephone or in which the participant is not present;] *in person, unless the services are provided in compliance with COMAR 10.09.49 and any guidance issued by the Department:*

(2)—(4) (text unchanged)

C.—E. (text unchanged)

DENNIS R. SCHRADER  
Secretary of Health

## Title 33

# STATE BOARD OF ELECTIONS

**Notice of Proposed Action**

[21-103-P]

The State Board of Elections proposes to amend:

(1) Regulation **.02** under **COMAR 33.05.01 Definitions; General Provisions;**

(2) Regulation **.01** under **COMAR 33.11.01 Definitions; General Provisions;** and

(3) Regulation **.05** under **COMAR 33.11.02 Applications.**

This action was considered by the State Board of Elections at its May 27, 2020, meeting, notice of which was given in accordance with General Provisions Article, §3-302(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to allow for election officials to accept on certain federal post card applications an electronic signature applied by a common access card, in accordance with Ch. 656 (H.B. 156) and Ch. 657 (S.B. 283), Acts of 2021.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Tracey Hartman, Director of Special Projects, State Board of Elections, 151 West Street, Suite 200, Annapolis, MD 21401, or call 410-269-2931, or email to tracey.hartman@maryland.gov, or fax to 410-974-2019. Comments will be accepted through September 13, 2021. A public hearing has not been scheduled.

## Subtitle 05 VOTER REGISTRATION

### 33.05.01 Definitions; General Provisions

Authority: Election Law Article, §§2-102(b)(4) and 3-202.1, Annotated Code of Maryland

**.02 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) “Common access card” has the meaning stated in Election Law Article, §3-202.1, Annotated Code of Maryland.

[(2)] (3)—[(4)] (5) (text unchanged)

(6) “Federal post card application” has the meaning stated in Election Law Article, §3-202.1, Annotated Code of Maryland.

[(5)] (7)—[(14)] (16) (text unchanged)

## Subtitle 11 ABSENTEE BALLOTS

### 33.11.01 Definitions; General Provisions

Authority: Election Law Article, §§2-102(b)(4), 3-202.1, and 9-303, Annotated Code of Maryland

**.01 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1)—(3) (text unchanged)

(4) “Common access card” has the meaning stated in Election Law Article, §3-202.1, Annotated Code of Maryland.

[(4)] (5) (text unchanged)

(6) “Federal post card application” has the meaning stated in Election Law Article, §3-202.1, Annotated Code of Maryland.

[(5)] (7)—[(8)] (10) (text unchanged)

### 33.11.02 Applications

Authority: Election Law Article, §§2-102(b)(4) and 3-202.1, Annotated Code of Maryland

**.05 Processing Applications — In General.**

A. (text unchanged)

B. Review.

(1) The election director shall:

(a) (text unchanged)

(b) *Accept any federal post card application by an absent uniformed services voter or overseas voter that is signed using a common access card;*

[(b)] (c) If the election director determines that the voter resides in another county, [the election director shall] send by electronic transmission the application to the appropriate local board; and

[(c)] (d) (text unchanged)

(2) (text unchanged)

C.—D. (text unchanged)

LINDA H. LAMONE  
State Administrator of Elections

### Notice of Proposed Action

[21-104-P]

The State Board of Elections proposes to amend:

- (1) Regulation .03 under **COMAR 33.11.02 Applications**;
- (2) Regulation .06 under **COMAR 33.11.03 Issuance and Return**;
- (3) Regulation .07 under **COMAR 33.11.05 Canvass of Ballots — Rejecting Ballots**; and
- (4) Regulations .03 and .06 under **COMAR 33.17.04 Early Voting Center Equipment and Materials**.

This action was considered by the State Board of Elections at its June 22, 2021, meeting, notice of which was given in accordance with the General Provisions Article, §3-302(c), Annotated Code of Maryland.

### Statement of Purpose

The purpose of this action is to:

- (1) Incorporate the requirements from Ch. 524 (H.B. 1331), Acts of 2018, which requires that a voter who wants to receive an electronic absentee ballot provide certain information;
- (2) Codify the requirement from the 2020 elections that the local boards notify voters who returned a voted ballot without signing the return envelope;
- (3) Align regulations with Ch. 463 (H.B. 884), Acts of 2015, which repealed the requirement to reject an absentee ballot if the voter died before election day;
- (4) Update regulations to reflect current State Board policy requiring local boards of election to deploy ballots and other contingency supplies in the event of a court order extending voting hours during early voting; and
- (5) Align regulations with COMAR 33.11.03.06E, which authorizes the collection of voted absentee ballots at early voting centers and polling places.

### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

### Estimate of Economic Impact

The proposed action has no economic impact.

### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

### Opportunity for Public Comment

Comments may be sent to Tracey Hartman, Director of Special Projects, State Board of Elections, 151 West Street, Suite 200, Annapolis, MD 21401, or call 410-269-2931, or email to [tracey.hartman@maryland.gov](mailto:tracey.hartman@maryland.gov), or fax to 410-974-2019. Comments will be accepted through September 13, 2021. A public hearing has not been scheduled.

## Subtitle 11 ABSENTEE BALLOTS

### 33.11.02 Applications

Authority: Election Law Article, §§2-102(b)(4) and 3-202.1, Annotated Code of Maryland

#### .03 Informal, Written Request.

A. (text unchanged)

B. Contents of Request. The request shall include the:

(1)—(4) (text unchanged)

(5) *If the voter wants to receive an electronic ballot, voter's driver's license or Maryland identification card number, the date the voter's driver's license or identification card was issued, and the last four digits of the voter's Social Security number.*

[(5)] C. Preprinted Form.

[(a)] (1)—[(b)] (2) (text unchanged)

[(C.)] D.—[(F.)] G. (text unchanged)

### 33.11.03 Issuance and Return

Authority: Election Law Article, §§2-102(b)(4) and 9-303, Annotated Code of Maryland

#### .06 Return of Ballot.

A.—B. (text unchanged)

C. *Ballots Returned Without a Signed Oath.*

(1) *Except as provided in §C(3) of this regulation, if an absentee ballot is timely received but the voter did not sign the required oath, the election director shall:*

(a) *Promptly notify the voter that the voter did not sign the oath; and*

(b) *Explain how the voter can provide a signed oath and when the signed oath must be received for the voter's ballot to be accepted.*

(2) *Method of Notification.*

(a) *The election director shall notify the voter using the voter's preferred method of communication, as indicated on the voter's form, to request the ballot.*

(b) *If the notice is not delivered using the voter's preferred method of communication, the election director shall use another means to notify the voter.*

(3) *If an absentee ballot is timely received on or after the second Wednesday after an election (and the ballot was otherwise completed and mailed on or before election day, as established by Regulation .08B(2)(b) of this chapter, the election director shall make reasonable efforts to comply with §C(1) and (2) of this regulation.*

[(C.)] D.—[(E.)] F. (text unchanged)

### 33.11.05 Canvass of Ballots — Rejecting Ballots

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 9-303, 11-301, and 11-302, Annotated Code of Maryland

#### .07 Ballot Rejection — Federal Write-In Absentee Ballot.

A. The local board shall reject a Federal Write-In Absentee Ballot if:

(1) (text unchanged)

[(2)] Before the ballot is canvassed, the local board determines that the voter died before election day;

[(3)] (2)—[(7)] (6) (text unchanged)

B. (text unchanged)



## Subtitle 17 EARLY VOTING

### 33.17.04 Early Voting Center Equipment and Materials

Authority: Election Law Article, §§2-102(b)(4) and 10-301.1(h), Annotated Code of Maryland

#### .03 Allocation of Equipment and Supplies.

- A. (text unchanged)
- B. Other Supplies.
  - (1) (text unchanged)
  - [(2) A local board may not deploy ballots and other supplies required for extended hours voting.]
  - [(3)] (2) (text unchanged)

#### .06 Information for Voters at Early Voting Centers.

- A. Except as provided in §B of this regulation, a local board shall post at each early voting center:
  - (1)—(2) (text unchanged)
  - (3) A sign, prescribed by the State Administrator, informing voters that:
    - (a) Absentee ballots cannot be issued [or returned] at an early voting center; and
    - (b) (text unchanged)
    - (4) (text unchanged)
- B. (text unchanged)

LINDA H. LAMONE  
State Administrator of Elections



# Errata

## COMAR 10.27.01.10

At 47:23 Md. R. 988 (November 6, 2020), column 1, after line 30  
from the top:

Insert: (4)—(5) (text unchanged)

[21-17-20]



# Special Documents

## DEPARTMENT OF THE ENVIRONMENT SUSQUEHANNA RIVER BASIN COMMISSION

### Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATES: June 1—30, 2021

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries May be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR §806.22 (f) for the time period specified above:

#### Water Source Approval — Issued Under 18 CFR 806.22(f):

Seneca Resources Company, LLC; Pad ID: Watkins 820; ABR-201106011.R2; Chatham Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 14, 2021.

Chesapeake Appalachia, L.L.C.; Pad ID: GB; ABR-201106007.R2; Rush Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 14, 2021.

BKV Operating, LLC; Pad ID: Kile; ABR-201103026.R2; Washington Township, Wyoming County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: June 14, 2021.

LPR Energy, LLC; Pad ID: PA Smithmyer Drilling Pad #1; ABR-201101020.R2; Clearfield Township, Cambria County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: June 15, 2021.

BKV Operating, LLC; Pad ID: Johnston 1 Pad; ABR-201106009.R2; Meshoppen Township, Wyoming County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: June 21, 2021.

Chesapeake Appalachia, L.L.C.; Pad ID: IH; ABR-201106014.R2; Stevens Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 21, 2021.

Chesapeake Appalachia, L.L.C.; Pad ID: J & J; ABR-201106015.R2; Smithfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 21, 2021.

Chesapeake Appalachia, L.L.C.; Pad ID: Knickerbocker; ABR-201106013.R2; Franklin Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 21, 2021.

Chesapeake Appalachia, L.L.C.; Pad ID: Mel; ABR-201106012.R2; Franklin Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 21, 2021.

Chesapeake Appalachia, L.L.C.; Pad ID: Neal; ABR-201106010.R2; Leroy Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 21, 2021.

Repsol Oil & Gas USA, LLC; Pad ID: DORN (02 180) A; ABR-201604003.R1; Hamilton Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: June 21, 2021.

Cabot Oil & Gas Corporation; Pad ID: Augustine P1; ABR-201105002.R2; Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: June 21, 2021.

ARD Operating, LLC; Pad ID: COP Tract 728 Pad G; ABR-201105007.R2; Watson Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 22, 2021.

ARD Operating, LLC; Pad ID: COP Tract 728 Pad H; ABR-201105006.R2; Watson Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 22, 2021.

Chesapeake Appalachia, L.L.C.; Pad ID: Quail; ABR-201106018.R2; Fox Township, Sullivan County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 24, 2021.

Chesapeake Appalachia, L.L.C.; Pad ID: Wootten; ABR-201106016.R2; Mehoopany Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 24, 2021.

Clean Energy Exploration & Production, LLC; Pad ID: Whispering Pines Pad 1; ABR-201606004.R1; Delmar Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 24, 2021.

Chesapeake Appalachia, L.L.C.; Pad ID: Lambs Farm; ABR-201106023.R2; Smithfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 29, 2021.

Chesapeake Appalachia, L.L.C.; Pad ID: Nichols; ABR-201106024.R2; Smithfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 29, 2021.

Repsol Oil & Gas USA, LLC; Pad ID: ALDERSON (05 011) V; ABR-201104008.R2; Pike Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: June 29, 2021.

ARD Operating, LLC; Pad ID: Salt Run Pad A Ext; ABR-202107001; Cascade Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 30, 2021.

#### Approvals By Rule — Issued Under 18 CFR 806.22(f) — Revocation:

Seneca Resources Company, LLC; Pad ID: Signor 566; ABR-201010054.R2; Charleston Township, Tioga County, Pa.; Revocation Date: June 22, 2021.

XTO Energy, Inc.; Pad ID: TLT Unit A; ABR-201107017.R2; Jordan Township, Lycoming County, Pa.; Revocation Date: June 30, 2021.

AUTHORITY: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

DATED: July 14, 2021

JASON E. OYLER  
General Counsel and Secretary to the Commission  
[21-17-12]

Gary and Robert Mahany – Gary and Robert Mahany Farms, GF Certificate No. GF-202106174, Towns of Hornellsville and Dansville, Steuben County, N.Y.; Canisteo River, Lime Kiln Creek, Manmade Pond 2, and Marsh Ditch; Issue Date: June 22, 2021.

DATED: July 14, 2021

JASON E. OYLER  
General Counsel and Secretary to the Commission  
[21-17-11]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Grandfathering (GF) Registration Notice

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists Grandfathering Registration for projects by the Susquehanna River Basin Commission during the period set forth in DATES.

DATES: June 1—30, 2021.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries May be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists GF Registration for projects, described below, pursuant to 18 CFR 806, Subpart E for the time period specified above:

#### Grandfathering Registration Under 18 CFR part 806, Subpart E:

Aqua Pennsylvania, Inc. – Susquehanna Division, GF Certificate No. GF-202106166, Athens Borough, Bradford County, Pa.; Well 19; Issue Date: June 9, 2021.

Vulcan Construction Materials, LLC – Hanover Quarry, GF Certificate No. GF-202106167, Oxford, Conewago, and Berwick Townships, Adams County, Pa.; Quarry Pit (Sump) and consumptive use; Issue Date: June 9, 2021.

Corning Incorporated – Houghton Park, GF Certificate No. GF-202106168, City of Corning, Steuben County, N.Y.; Wells 1, 2, 3, and 4; Issue Date: June 9, 2021.

Municipal Authority of the Borough of Mansfield – Public Water Supply System, GF Certificate No. GF-202106169, Richmond Township, Tioga County, Pa.; Springs 1 and 2 and Webster Reservoir; Issue Date: June 17, 2021.

Williamsport Municipal Water Authority – Public Water Supply System, GF Certificate No. GF-202106170, Williamsport City, Lycoming County, Pa.; Wells 3, 4, 5, 6, 7, 8, and 9, Mosquito Creek, and Hagermans Run; Issue Date: June 17, 2021.

Galen Hall Country Club, Inc. – Galen Hall Country Club, GF Certificate No. GF-202106171, South Heidelberg Township, Berks County, Pa.; the Well; Issue Date: June 21, 2021.

Gold Bond Building Products, LLC – Milton Paper Plant, GF Certificate No. GF-202106172, White Deer Township, Union County, Pa.; Wells 4, 5, and 6 and consumptive use; Issue Date: June 21, 2021.

Country Club of Scranton, GF Certificate No. GF-202106173, South Abington Township, Lackawanna County, Pa.; consumptive use; Issue Date: June 22, 2021.

# General Notices

## Notice of ADA Compliance

The State of Maryland is committed to ensuring that individuals with disabilities are able to fully participate in public meetings. Anyone planning to attend a meeting announced below who wishes to receive auxiliary aids, services, or accommodations is invited to contact the agency representative at least 48 hours in advance, at the telephone number listed in the notice or through Maryland Relay.

### DEPARTMENT OF AGING

**Subject:** Public Meeting

**Date and Time:** September 9, 2021, 1 — 3 p.m.

**Place:** Via Google Meet — please see details below.

**Add'l. Info:** Regularly Scheduled Meeting: Oversight Committee on Quality of Care in Nursing Homes and Assisted Living Facilities.

To join via video conference, please follow this link: [meet.google.com/keu-swyu-cjb](https://meet.google.com/keu-swyu-cjb)

To join via phone, please dial +1 361-247-0114; PIN: 987704583

**Contact:** Alex Baldi (410) 767-1102  
[21-17-08]

### COMMISSION ON CRIMINAL SENTENCING POLICY

**Subject:** Public Meeting

**Date and Time:** September 14, 2021, 5:30 — 7:30 p.m.

**Place:** Virtual meeting — please see details below.

**Add'l. Info:** The meeting may be viewed on YouTube at:

[https://www.youtube.com/watch?v=CPoHfOw\\_MAg](https://www.youtube.com/watch?v=CPoHfOw_MAg)

**Contact:** David Soule (301) 403-4165  
[21-17-05]

### DIVISION OF LABOR AND INDUSTRY/MARYLAND OCCUPATIONAL SAFETY AND HEALTH (MOSH)

**Subject:** Public Hearing

**Date and Time:** September 14, 2021, 1 — 3 p.m.

**Place:** Please see specific meeting information below.

**Add'l. Info:** There are a total of four regional Heat Stress Informational Hearings.

In accordance with Labor and Employment Article, Title 5, Subtitle 12, Annotated Code of Maryland, Ch. 308 (H.B. 722), Acts of 2020, Heat Stress Standards, the Commissioner Labor and Industry (Commissioner) is responsible for developing and adopting regulations to protect employees from heat-related stress in the workplace.

Per Labor and Employment Article, §5-1201, Annotated Code of Maryland, the

Maryland Occupational Safety and Health Administration (MOSH) will host four regional informational sessions to gain input and feedback from stakeholders. These meetings are open to the public.

Verbal Statements: Participants who wish to provide a verbal statement are required to register at least 24 hours in advance of the desired session using the link below. A confirmation, along with allotted speaking time will be emailed to each participant.

Registration for Heat Stress Informational Hearings. Additional questions can be directed to Tiffany Jones (TiffanyR.Jones@maryland.gov) or 410-767-2182.

Details and the locations of the four public information sessions are listed below:

#### Easton

Tuesday, September 14, 2021 between 1 p.m.—3 p.m.

Easton Library  
100 W. Dover Street  
Easton, MD 21601

#### Laurel

Thursday September 16, 2021 between 9:30 a.m.—noon

Deerfield Run Community Center  
13000 Laurel-Bowie Road  
Laurel, MD 20708

#### Hagerstown

Monday, September 20, 2021 between 1 p.m.—3 p.m.

Hagerstown Library  
Alice Virginia and David Fletcher Library| Main Library  
Room 309  
100 S. Potomac Street  
Hagerstown, MD 21740

#### \*Hunt Valley

Wednesday, September 22, 2021 between 1 p.m.—3 p.m.

MOSH Headquarters|  
10946 Golden West Drive,  
Hunt Valley, Maryland 21030

\*NOTE: This is both an in-person and virtual meeting.

For information on participating virtually, please visit the Agency's website.

**Contact:** Tiffany R. Jones (410) 767-2180  
[21-17-19]

### MARYLAND STATE LOTTERY AND GAMING CONTROL COMMISSION

**Subject:** Public Meeting

**Date and Time:** August 26, 2021, 10 a.m. — 12 p.m.

**Place:** Via audio conference — please see details below.

**Add'l. Info:** This meeting will be held via audio conference. The link will be available on the Agency's website, <https://www.mdgaming.com/commission-meeting-8-26-2021/>, the day of the meeting.

**Contact:** Kathy Lingo (410) 230-8790  
[21-17-04]

### MARYLAND HEALTH CARE COMMISSION

**Subject:** Public Meeting

**Date and Time:** September 23, 2021, 1 — 4 p.m.

**Place:** Via Teleconference — Please see registration information below.

**Add'l. Info:** All public meetings will be held via teleconference until further notice. Please visit [mhcc.maryland.gov](http://mhcc.maryland.gov) for meeting registration information.

**Contact:** Valerie Wooding (410) 764-3570  
[21-17-06]

### MARYLAND HEALTH CARE COMMISSION

**Subject:** Receipt of Letter of Intent — RTC Services

**Add'l. Info:** On July 26, 2021 the MHCC received a Letter of Intent from:

Board of Child Care. — Establish a Residential Treatment Center for the purpose of establishing and operating a 4-bed Adolescent Hospital Overstay Program to be located at 3300 Gaither Road, Baltimore

Pursuant to COMAR 10.24.01.08A(3), the Commission hereby initiates a 30-day period in which additional Letters of Intent to apply for a Certificate of Need may be submitted to Residential Treatment Center beds in Maryland. Additional Letters of Intent should be submitted to the MHCC, 4160 Patterson Avenue, Baltimore, MD 21215, and emailed to [ruby.potter@maryland.gov](mailto:ruby.potter@maryland.gov) and are due by the close of business, September 13, 2021.

**Contact:** Ruby Potter (410) 764-3276  
[21-17-15]

## GENERAL NOTICES

MARYLAND HEALTH CARE  
COMMISSION**Subject:** Formal Start of Review**Add'l. Info:** The Maryland Health Care Commission (MHCC) hereby gives notice of docketing of the following application for Certificate of Need:

Avenues Recovery Center — Docket No. 21-09-2449

Establish a 20-bed ICF Level 3.7 unit at the existing facility located at 821 Fieldcrest Road, Cambridge, MD, by converting 20 of the 104 level 3.5 beds. Proposed Cost: \$55,000.

MHCC shall review the applications under Health-General Article, §19-101 et seq., Annotated Code of Maryland, COMAR 10.24.01, and the applicable State Health Plan standards.

Any affected person may make a written request to the Commission to receive copies of relevant notices concerning the application. All further notices of proceedings on the application will be sent only to affected persons who have registered as interested parties.

Persons desiring to become interested parties in the Commission's review of the above-referenced application must meet the requirements of COMAR 10.24.01.01B(2) and (20) and must also submit written comments to the Commission no later than close of business September 13, 2021. These comments must state with particularity the State Health Plan standards or review criteria that you believe have not been met by the applicant as stated in COMAR 10.24.01.08F.

Please refer to the Docket Number listed above in any correspondence on the application. Copies of the application are available for review in the office of MHCC during regular business hours by appointment. All correspondence should be addressed to Paul E. Parker, Director, Center for Health Care Facilities Planning and Development, Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, MD 21215.

**Contact:** Ruby Potter (410) 764-3276

[21-17-17]

## RACING COMMISSION

**Subject:** Public Meeting**Date and Time:** August 19, 2021, 12:30 p.m.**Place:** Ocean Downs, Berlin, MD**Contact:** J. Michael Hopkins (410) 296-9682

[21-17-13]

## BOARD OF WELL DRILLERS

**Subject:** Public Meeting**Date and Time:** August 25, 2021, 9 a.m. — 12 p.m.**Place:** Via Google Hangouts — please see details below.**Add'l. Info:** A portion of this meeting may be held in closed session. The access link to the open meeting is available on the MDE website:[mde.maryland.gov/programs/permits/environmentalboards/pages/meeting\\_of\\_theboard\\_ofwelldrillers.aspx](https://mde.maryland.gov/programs/permits/environmentalboards/pages/meeting_of_theboard_ofwelldrillers.aspx)**Contact:** Duane M Johnson (410) 537-4466

[21-17-01]

## BOARD OF WELL DRILLERS

**Subject:** Public Meeting**Date and Time:** September 22, 2021, 9 a.m. — 12 p.m.**Place:** Via Google Hangouts — please see details below.**Add'l. Info:** A portion of this meeting may be held in closed session. The access link to the open meeting is available on the MDE website:[mde.maryland.gov/programs/permits/environmentalboards/pages/meeting\\_of\\_theboard\\_ofwelldrillers.aspx](https://mde.maryland.gov/programs/permits/environmentalboards/pages/meeting_of_theboard_ofwelldrillers.aspx)**Contact:** Duane M Johnson (410) 537-4466

[21-17-02]

WORKERS' COMPENSATION  
COMMISSION**Subject:** Public Meeting**Date and Time:** August 26, 2021, 9:30 — 11:30 a.m.**Place:** 10 E. Baltimore St., 3rd Fl., Baltimore, MD**Add'l. Info:** Portions of this meeting may be held in closed session.**Contact:** Amy S. Lackington (410) 864-5300

[21-17-03]

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Last updated 7/2021

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## **Title 10 Maryland Department of Health**

### **Part 1**

- 01 Procedures
- 02 Division of Reimbursements
- 03 Health Statistics
- 04 Fiscal
- 05 Freestanding Ambulatory Care Facilities
- 06 Diseases
- 07 Hospitals
- 08 Health Facilities Grants

### **Part 2**

- 09 Medical Care Programs

### **Part 3**

- 10 Laboratories
- 11 Maternal and Child Health
- 12 Adult Health
- 13 Drugs
- 14 Cancer Control
- 15 Food
- 16 Housing
- 17 Swimming Pools and Spas
- 18 Human Immunodeficiency Virus (HIV) Infection and  
Acquired Immunodeficiency Syndrome (AIDS)
- 19 Dangerous Devices and Substances
- 20 Kidney Disease Program
- 21 Mental Hygiene Regulations
- 22 Developmental Disabilities

### **Part 4**

- 23 Advance Directive Registry
- 24 Maryland Health Care Commission
- 25 Maryland Health Care Commission
- 26 Board of Acupuncture
- 27 Board of Nursing
- 28 Board of Examiners in Optometry
- 29 Board of Morticians and Funeral Directors
- 30 Maryland Commission on Kidney Disease
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- 32 Board of Physicians
- 33 Board of Examiners of Nursing Home Administrators
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### **Part 5**

- 37 Health Services Cost Review Commission
- 38 Board of Physical Therapy Examiners
- 39 Board of Nursing – Certified Nursing Assistants
- 40 Board of Podiatric Medical Examiners
- 41 Board of Examiners for Audiologists, Hearing Aid  
Dispensers, and Speech-Language Pathologists
- 42 Board of Social Work Examiners
- 43 Board of Chiropractic Examiners
- 44 Board of Dental Examiners
- 45 Maryland Community Health Resources Commission
- 46 Board of Occupational Therapy Practice
- 47 Alcohol and Drug Abuse Administration
- 48 Child Abuse and Neglect Medical Reimbursement Program
- 49 State Anatomy Board
- 50 Tissue Banks
- 51 Forensic Laboratories
- 52 Preventive Medicine

### **Part 6**

- 53 Board of Nursing – Electrology Practice Committee
- 54 Special Supp Nutrition Prg for Women, Infants, and Children (WIC)
- 55 State Board of Spinal Cord Injury Research
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- 57 Board for Certification of Residential Child Care Program Profess.
- 58 Board of Professional Counselors and Therapists
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- 60 Board of Environmental Health Specialists
- 61 Health Enterprise Zone Initiative
- 62 Natalie Laprade Medical Marijuana Commission
- 63 Community-Based Behavioral Health Programs and Services
- 64 Practice of Licensed Direct-Entry Midwives
- 65 Board of Massage Therapy Examiners

- 66 Office of the Inspector General
- 67 Maryland HealthChoice Program
- 68 Community Health Workers

## **Title 11 Department of Transportation**

### **Part 1**

- 01 Office of the Secretary
- 02 Transportation Service Human Resources System
- 03 Maryland Aviation Administration
- 04 State Highway Administration
- 05 Maryland Port Administration
- 06 Maryland Transit Administration
- 07 Maryland Transportation Authority
- 08 State Rail Safety Oversight
- 09 Vacant
- 10 Vacant

### **Part 2**

- 11 Motor Vehicle Administration – Administrative Procedures
- 12 MVA – Licensing of Businesses and Occupations
- 13 MVA – Vehicle Equipment
- 14 MVA – Vehicle Inspections
- 15 MVA – Vehicle Registration
- 16 MVA – Vehicle Operations
- 17 MVA – Driver Licensing and Identification Documents
- 18 MVA – Financial Responsibility Requirements
- 19 MVA – School Vehicles
- 20 MVA – Motorcycle Safety Program
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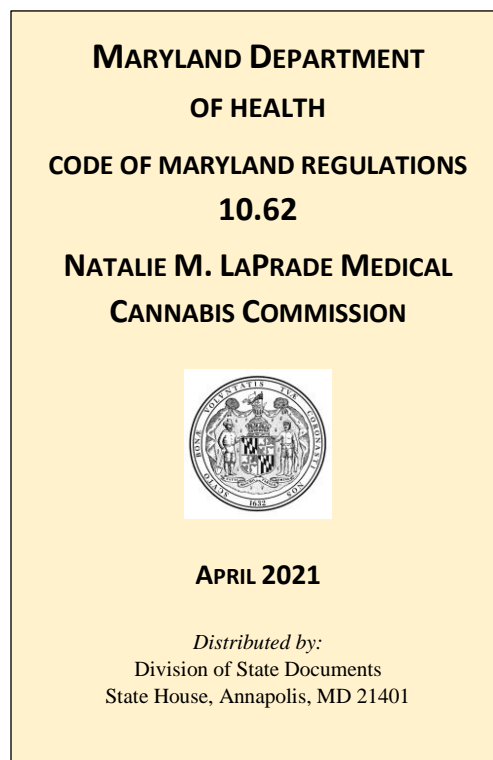
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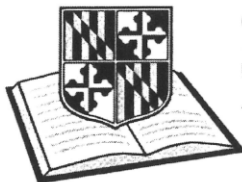
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