

Maryland Register

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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before May 14, 2012, 5 p.m.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 May 14, 2012.

Brian Morris
Acting 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
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- 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 www.dsd.state.md.us/CumulativeIndex.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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Martin O'Malley, Governor; **John P. McDonough**, Secretary of State; **Brian Morris**, Acting Administrator; **Gail S. Klakring**, Senior Editor; **Mary D. MacDonald**, 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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The Maryland Register is also available at www.dsd.state.md.us.

For additional information, visit www.sos.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.

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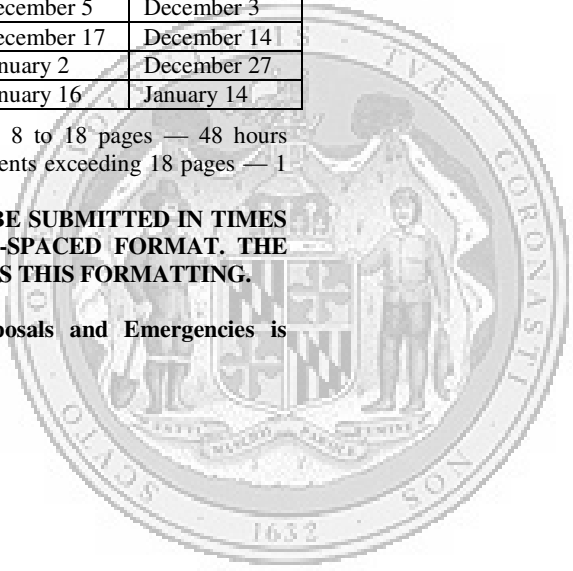
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* Due date for documents containing 8 to 18 pages — 48 hours before date shown; due date for documents exceeding 18 pages — 1 week before date shown

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

** Note closing 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.

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.

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 33.04.03.01 • 39:7 Md. R. 502 (4-6-12)
 33.07.07.01,.02 • 39:9 Md. R. 627 (5-4-12)
 33.08.04.02,.05—.08 • 39:9 Md. R. 627 (5-4-12)
 33.08.04.05 • 39:7 Md. R. 503 (4-6-12)
 33.11.02.01 • 39:7 Md. R. 503 (4-6-12)
 33.13.06.03 • 39:9 Md. R. 627 (5-4-12)
 33.13.08.02 • 39:7 Md. R. 504 (4-6-12)
 33.13.09.02 • 39:7 Md. R. 504 (4-6-12)
 33.15.03.06 • 39:7 Md. R. 503 (4-6-12)
 33.16.02.01 • 39:7 Md. R. 503 (4-6-12)
 33.16.05.03,.05 • 39:7 Md. R. 503 (4-6-12)

34 DEPARTMENT OF PLANNING

34.04.02.06 • 39:9 Md. R. 628 (5-4-12)

The General Assembly

For additional up-to-date information concerning bills introduced in the General Assembly, log on to <http://mlis.state.md.us> Click on Bill Information and Status. You may then enter a specific bill number for information about that bill. You may also click on Senate Synopsis or House Synopsis for the most recent synopsis list for each house, or click on Synopsis Index for a listing of all bill synopses since the beginning of the legislative session.

SYNOPSIS NO. 9

House Bills

HB1801 The Speaker (Admin). Budget Reconciliation and Financing Act of 2012.

HB1802 The Speaker (Admin). State and Local Revenue and Financing Act of 2012.

HB1803 The Speaker (Admin). Creation of a State Debt - Qualified Zone Academy Bonds.

HB1804 Dels Smigiel and Mizeur. Courts - Dangerous Dog Presumption - Specific Breed Prohibition.

HB1805 Del Smigiel. Vehicle Laws - Special Registration Plate - United States Armed Forces.

HB1806 Del Kramer. Courts - Dog Bite Lawsuits - Evidence and Standard of Proof.

HB1807 Del McMillan. The Maryland Dog Nondiscrimination Act.

HB1808 Del Cardin, et al. Courts - Civil Liability for Injuries Inflicted by Dogs.

HB1809 Dels Glenn and Morhaim. Medical Marijuana - Caregiver - Affirmative Defense.

[12-11-47]

Senate Bills

SB1301 The President (Admin). Budget Reconciliation and Financing Act of 2012.

SB1302 The President (Admin). State and Local Revenue and Financing Act of 2012.

SB1303 The President (Admin). Creation of a State Debt - Qualified Zone Academy Bonds.

SB1304 Sen Kittleman, et al. Procurement - Required Clauses - Project Labor Agreement Prohibition.

SB1305 Sen Pipkin, et al. Environment - On-Site Sewage Disposal Systems - Nitrogen Removal Technology.

SB1306 Sen Pipkin, et al. Office of the Inspector General - Establishment.

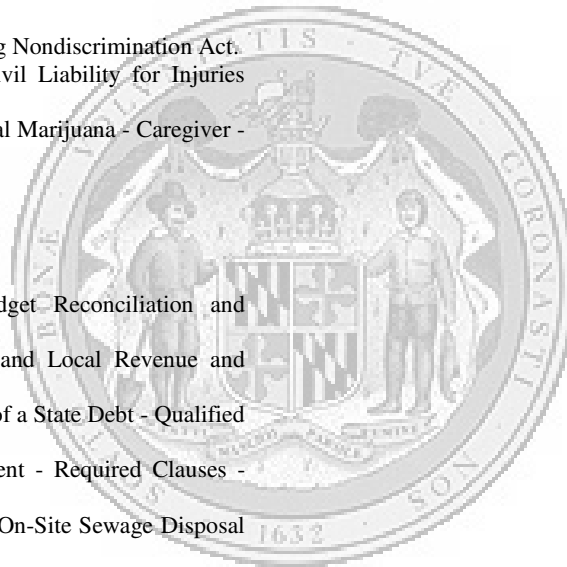
SB1307 Sen Pipkin, et al. Courts - Dangerous Dog Presumption - Specific Breed Prohibition.

SB1308 Sen Pipkin, et al. Budget - Reductions to Appropriations - Level Funding for Fiscal Year 2013.

SB1309 Sen Pipkin, et al. State Government - Inspector General.

SB1310 Sen Colburn. Dorchester County - Restriction on Sunday Gaming - Repeal.

[12-11-48]



The Judiciary

COURT OF APPEALS OF MARYLAND

DISCIPLINARY PROCEEDINGS

This is to certify that by an Per Curiam Order of this Court dated May 8, 2012, **DENESE DOMINGUEZ**, 8552 Okeefe Drive, Severn, Maryland 21144, 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 16-760(e)).

* * * * *

This is to certify that by an Order of this Court dated May 9, 2012, **DAVID AGATSTEIN**, 1777 Reisterstown Road, Pikesville, Maryland 21208, has been disbarred by consent from the further practice of law in this State and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-772(d)).

* * * * *

This is to certify that by an Order of this Court dated May 9, 2012, **CHARLENE SUKARI HARDNETT**, 1111 Bonifant Street, Silver Spring, Maryland 20910, has been reprimanded by consent.

* * * * *

This is to certify that by an Order of this Court dated May 9, 2012, **JESSE H. INGRAM**, 5457 Twin Knolls Road, Suite 303, Columbia, Maryland 21045, a non-admitted attorney is excluded under Rule 16-772(b) from exercising the privilege of practicing law in this State.

[12-11-43]

STANDING COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

Notice of Open Meeting

The Standing Committee on Rules of Practice and Procedure will hold an open meeting on Thursday, June 21, 2012, in the Judiciary Education and Conference Center, 2011-D Commerce Park Drive, Annapolis, Maryland, commencing at 9:30 a.m., to consider any questions relating to rules changes as may be brought before the meeting.

For further information contact Sandra F. Haines, Reporter, (410) 260-3630.

[12-11-37]

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 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 09 MEDICAL CARE PROGRAMS

Notice of Final Action

[11-389-F]

On May 18, 2012, the Secretary of Health and Mental Hygiene adopted:

(1) New Regulations **.01—.15** under a new chapter, **COMAR 10.09.37 Family Planning Program Eligibility**; and

(2) The repeal of existing Regulations **.01** and **.10**, new Regulations **.01** and **.10**, and amendments to Regulations **.02** and **.04—.07** under **COMAR 10.09.58 Family Planning Program**.

This action, which was proposed for adoption in 38:27 Md. R. 1771—1775 (December 30, 2011), has been adopted with the nonsubstantive changes shown below.

Effective Date: June 11, 2012.

Attorney General's Certification

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

10.09.37.04G(1): The wording was updated in order to conform with the current eligibility policy.

10.09.58.01A: The title of the program is erroneous.

10.09.58.05B: In order to conform with the list of covered services and standard medical practice for family planning care, arterial punctures as a method of specimen collection were removed from this section.

10.09.58.05E(1)—(2): In order to conform with other Medical Assistance programs and standard medical practice for family planning care, pharmaceutical supplies and devices to treat sexually transmitted infections were added.

10.09.58.05G: In order to conform with other Medical Assistance programs and standard medical practice for family planning care, human papillomavirus vaccines were added to this regulation.

10.09.58.06A(5): In order to conform with language in other Medical Assistance regulations, this subsection was modified for clarity.

10.09.58.07E—F: In order to conform with changes to Medical Assistance regulations pertaining to federally qualified health centers, §E was modified and §F was added.

10.09.37 Family Planning Program Eligibility

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

.04 Application.

A.—F. (proposed text unchanged)

G. *Required Information.*

(1) *The Department shall inform the applicant or authorized representative of the required information and verifications needed to determine eligibility in accordance with the requirements stated in COMAR 10.09.24.04J(3)(a), (b), and (d).*

(2) (proposed text unchanged)

H.—K. (proposed text unchanged)

10.09.58 Family Planning Program

Authority: Health-General Article, §§2-104(b), 15-103, and 15-105, Annotated Code of Maryland

.01 Purpose and Scope.

A. *This chapter governs the coverage of services for the Medical Assistance Family Planning Program.*

B. (proposed text unchanged)

.05 Covered Services.

The following services are covered under this chapter:

A. (proposed text unchanged)

B. Specimen collection by venipuncture ~~[[, arterial puncture,]]~~ or capillary puncture when performed by either the medical practitioner or the laboratory;

C.—D. (proposed text unchanged)

E. Pharmaceutical supplies and devices ~~[[to]]~~:

(1) To prevent conception through chemical, mechanical, or other methods, which are covered by the Maryland Medical Assistance Program under COMAR 10.09.03.04; and

(2) To treat sexually transmitted infections when diagnosed during the course of an office visit, as outlined in §A of this regulation, which are covered under COMAR 10.09.03.04;

F. Permanent sterilization only when performed according to criteria in 42 CFR Part 441, Subpart F, Sterilizations, as amended, and when the appropriate forms are:

(1) (proposed text unchanged)

(2) Available in the medical record for review; and

G. Human papillomavirus vaccine.

.06 Limitations.

A. The following services are not covered:

(1)—(4) (proposed text unchanged)

(5) Services delivered in ~~[[a]]~~ an in-patient hospital setting or ambulatory surgical center other than:

(a)—(b) (proposed text unchanged)

(6)—(7) (proposed text unchanged)

B.—G. (proposed text unchanged)

.07 Payment Procedures.

A.—D. (text unchanged)

E. Payment procedures for clinic services delivered in [[local health departments,]] federally qualified health centers [[, Maryland qualified health centers, community mental health centers, and other free-standing clinics]] are those set forth in COMAR [[10.09.08.04—.06]] 10.09.08.05.

F. For dates of service on or after January 1, 2012, payment procedures for clinic services delivered in local health departments, family planning clinics, and other free-standing clinics are those set forth in COMAR 10.09.02.07.

[[E.]] G.—[[H.]] L. (text unchanged)

JOSHUA M. SHARFSTEIN, M.D.
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.81 Increased Community Services (ICS) Program

Authority: Health-General Article, §§2-104(b), 15-103, and 15-105, Annotated Code of Maryland

Notice of Final Action [12-064-F]

On May 18, 2012, the Secretary of Health and Mental Hygiene adopted new Regulations **.01—46** under a new chapter, **COMAR 10.09.81 Increased Community Services (ICS) Program**. This action, which was proposed for adoption in 39:2 Md. R. 162—176 (January 27, 2012), has been adopted with the nonsubstantive changes shown below.

Effective Date: June 11, 2012.

Attorney General's Certification

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

10.09.81.03B(5)(b): The language was changed to clarify the meaning of cost-neutral.

.03 Participant Eligibility.

A. (proposed text unchanged)

B. *Technical Eligibility.* To be eligible for the services covered under this chapter, an applicant or participant shall be determined by the Department to meet the technical eligibility criteria for ICS services if the individual:

(1)—(4) (proposed text unchanged)

(5) *Has a plan of service that:*

(a) (proposed text unchanged)

(b) *Is determined by the Department to [[be cost-neutral]] cost less than the cost to Medicaid if the individual were to remain in the institution;*

(6)—(10) (proposed text unchanged)

C.—I. (proposed text unchanged)

JOSHUA M. SHARFSTEIN, M.D.
Secretary of Health and Mental Hygiene

Subtitle 18 HUMAN IMMUNODEFICIENCY VIRUS (HIV) INFECTION AND ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS)

10.18.08 HIV Counseling and Testing Procedures

Authority: Health-General Article, §18-338.3, Annotated Code of Maryland

Notice of Final Action [12-084-F]

On May 10, 2012, the Secretary of Health and Mental Hygiene adopted new Regulations **.11** and **.12** under **COMAR 10.18.08 HIV Counseling and Testing Procedures**. This action, which was proposed for adoption in 39:6 Md. R. 428 (March 23, 2012), has been adopted as proposed.

Effective Date: June 11, 2012.

JOSHUA M. SHARFSTEIN, M.D.
Secretary of Health and Mental Hygiene

Subtitle 44 BOARD OF DENTAL EXAMINERS

10.44.30 Record Keeping

Authority: Health Occupations Article, §4-205(c)(3), Annotated Code of Maryland

Notice of Final Action [11-168-F]

On May 18, 2012, the Secretary of Health and Mental Hygiene adopted new Regulations **.01—05** under a new chapter, **COMAR 10.44.30 Record Keeping**. This action, which was proposed for adoption in 38:14 Md. R. 812—813 (July 1, 2011) and repropoed in 39:6 Md. R. 439—440 (March 23, 2012), has been adopted as repropoed.

Effective Date: June 11, 2012.

JOSHUA M. SHARFSTEIN, M.D.
Secretary of Health and Mental Hygiene

**Subtitle 57 BOARD FOR THE
CERTIFICATION OF RESIDENTIAL
CHILD CARE PROGRAM
PROFESSIONALS**

10.57.10 Disciplinary Sanctions and Monetary Penalties

*Authority: Health Occupations Article, §§1-606, 20-313, and 20-405,
Annotated Code of Maryland*

Notice of Final Action

[12-078-F]

On May 10, 2012, the Secretary of Health and Mental Hygiene adopted new Regulations .01—.05 under new chapter, **COMAR 10.57.10 Disciplinary Sanctions and Monetary Penalties**. This action, which was proposed for adoption in 39:6 Md. R. 441—446 (March 23, 2012), has been adopted as proposed.

Effective Date: June 11, 2012.

JOSHUA M. SHARFSTEIN, M.D.
Secretary of Health and Mental Hygiene



Withdrawal of Regulations

Title 14 INDEPENDENT AGENCIES

Subtitle 09 WORKERS' COMPENSATION COMMISSION

14.09.03 Guide of Medical and Surgical Fees

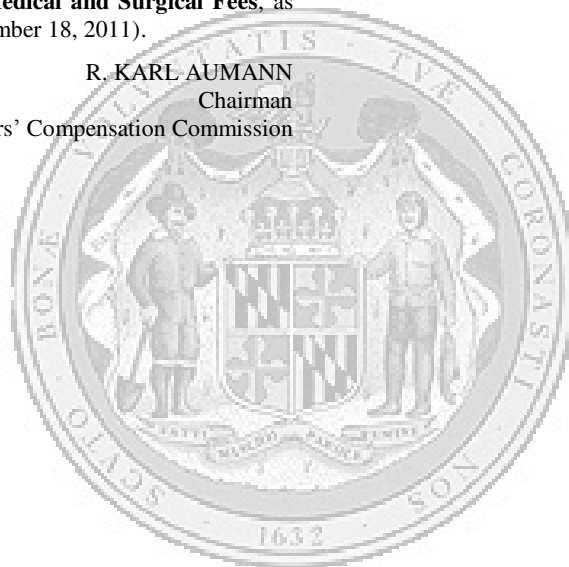
Authority: Labor and Employment Article, §§9-309, 9-663, and 9-731,
Annotated Code of Maryland

Notice of Withdrawal

[11-305-W]

The Workers' Compensation Commission withdraws its proposal to amend Regulations **.01** and **.04** and adopt new Regulation **.09** under **COMAR 14.09.03 Guide of Medical and Surgical Fees**, as published in 38:24 Md. R. 1541 (November 18, 2011).

R. KARL AUMANN
Chairman
Workers' Compensation 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 08

DEPARTMENT OF NATURAL RESOURCES

Subtitle 03 WILDLIFE

08.03.01 General

Authority: Natural Resources Article, §§10-205 and 10-415, Annotated Code of Maryland

Notice of Proposed Action

[12-129-P]

The Department of Natural Resources proposes to amend Regulation **.01** under **COMAR 08.03.01 General**.

Statement of Purpose

The purpose of this action is to amend the definition of “bonus antlered deer stamp” in the general section of the wildlife regulations. The current definition restricts the use of the bonus stamp to only one season of weapon type. Thus, a separate bonus stamp is needed to harvest a second antlered deer in each of three seasons of weapon type (bow, muzzleloader, firearms). The proposed new definition will allow the use of the bonus stamp across any season of weapon type. Therefore, a second antlered deer may be taken in any of the three seasons of weapon type regardless of the season in which the first antlered deer was harvested.

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 Peter Jayne, Associate Director, DNR, Wildlife and Heritage Service, P.O. Box 68, Wye Mills, MD 21679, or call 410-827-8612 x104, or email to pjayne@dnr.state.md.us, or fax to 410-827-5186. Comments will be accepted through July 2, 2012. A public hearing has not been scheduled.

.01 Definitions.

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

B. Terms Defined.

(1) — (5) (text unchanged)

(6) “Bonus antlered deer stamp” means a stamp which allows a properly licensed individual to hunt one additional antlered deer [for] *per hunting license year* in a particular deer management region [and season].

(7) — (38) (text unchanged)

JOHN R. GRIFFIN
Secretary of Natural Resources

Subtitle 03 WILDLIFE

08.03.03 Open Seasons, Bag Limits for Game Birds and Game Animals

Authority: Natural Resources Article, §10-410, Annotated Code of Maryland

Notice of Proposed Action

[12-128-P]

The Department of Natural Resources proposes to amend Regulations **.01**, **.06**, **.07**, and **.08**, repeal existing Regulations **.03**, **.04**, and **.05**, and adopt new Regulations **.03**, **.04**, and **.05** under **COMAR 08.03.03 Open Seasons, Bag Limits for Game Birds and Game Animals**.

Statement of Purpose

The purpose of this action is to establish the season dates and bag limits for the 2012—2013 and 2013—2014 hunting seasons for forest game, upland game, fur-bearing mammals, white-tailed deer, and sika

deer. The Department is also adding Sundays for deer and turkey hunting based on bills passed into law by the General Assembly during the 2012 session and revising when a bonus antlered deer stamp is valid.

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 Peter Jayne, Associate Director, DNR, Wildlife and Heritage Service, P.O. Box 68, Wye Mills, MD 21679, or call 410-827-8612 x104, or email to pjayne@dnr.state.md.us, or fax to 410-827-5186. Comments will be accepted through July 2, 2012. A public hearing has not been scheduled.

.01 Bag Limits and Possession Limits.

A. — C. (text unchanged)

D. Hunting on Sunday.

(1) (text unchanged)

(2) An individual may hunt on Sunday, if the individual is:

(a) — (c) (text unchanged)

(d) Hunting white-tailed or sika deer on private property as described in Regulations .07 and .08 of this chapter:

(i) On the first Sunday in November during the white-tailed and sika deer bow seasons and the first Sunday of the white-

tailed and sika deer firearms seasons in Anne Arundel, [Caroline,] Cecil, [Harford,] Kent, Montgomery, and Queen Anne’s counties;

(ii) On the last three Sundays in October and the first two Sundays in November during the white-tailed and sika deer bow seasons and the first Sunday of the white-tailed and sika deer firearms seasons in Allegany, Carroll, Dorchester, Frederick, Garrett, [Somerset,] Talbot, Washington, and Wicomico[, and Worcester] counties;

(iii) On the last three Sundays in October and the first two Sundays in November during the white-tailed deer bow season and all Sundays during the white-tailed deer firearms season in Calvert, Caroline, Charles, Harford, Somerset, [and] St. Mary’s and Worcester counties; and

(iv) 16 years of age or younger when participating in the Junior Deer Hunt on private lands only in Anne Arundel, Allegany, Calvert, Caroline, Carroll, Cecil, Charles, Dorchester, Frederick, Garrett, Harford, Kent, Montgomery, Queen Anne’s, Somerset, St. Mary’s, Talbot, Washington, Wicomico, and Worcester counties; [and]

(e) Hunting wild turkeys as described in Regulation .03 of this chapter on the last Sunday in April and the first Sunday in May, except Easter Sunday, of the spring season in Allegany and Garrett counties[.];

(f) Hunting wild turkeys as described in Regulation .03 of this chapter on private property on any Sunday during the spring season in Calvert, Caroline, Charles, Dorchester and St. Mary’s counties; and

(g) Hunting wild turkeys during the Junior Hunt as described in Regulation .03 of this chapter on private property in Calvert, Caroline, Charles, Dorchester and St. Mary’s counties.

E. — F. (text unchanged)

.03 Forest Game.

<i>Species</i>	<i>Open Season</i>	<i>Location</i>	<i>Bag Limits</i>	<i>Possession Limit</i>
<i>A. Black bear</i>	<i>October 22, 2012 — October 27, 2012 December 3, 2012 — December 8, 2012 October 21, 2013 — October 26, 2013 December 9, 2013 — December 14, 2013</i>	<i>Allegany and Garrett counties</i>	<i>1 per day with not more than 1 per permitted bear hunting team, subject to COMAR 08.03.04.20F</i>	<i>1 per season with not more than 1 per permitted bear hunting team, subject to COMAR 08.03.04.20F</i>
<i>B. Ruffed grouse</i>				
<i>(1) In General</i>	<i>October 6, 2012 — January 31, 2013 October 5, 2013 — January 31, 2014</i>	<i>In all counties</i>	<i>2 per day</i>	<i>4</i>
<i>(2) Hunting with the aid of raptors (hawks and owls)</i>	<i>October 1, 2012 — March 31, 2013 October 1, 2013 — March 31, 2014</i>	<i>In all counties</i>	<i>2 per day</i>	<i>4</i>
<i>C. Squirrels</i>				
<i>(1) Gray, black, and eastern fox squirrel — total</i>				
<i>(a) In General</i>	<i>September 1, 2012 — February 28, 2013 September 7, 2013 — February 28, 2014</i>	<i>In all counties</i>	<i>6 per day</i>	<i>12</i>
<i>(b) Hunting with the aid of raptors (hawks and owls)</i>	<i>September 1, 2012 — March 31, 2013 September 1, 2013 — March 31, 2014</i>	<i>In all counties</i>	<i>6 per day</i>	<i>12</i>

PROPOSED ACTION ON REGULATIONS

<i>(2) Red or piney squirrel</i>				
<i>(a) In General</i>	<i>September 1, 2012 — February 28, 2013 September 7, 2013 — February 28, 2014</i>	<i>In all counties</i>	<i>No limit</i>	<i>No limit</i>
<i>(b) Hunting with the aid of raptors (hawks and owls)</i>	<i>September 1, 2012 — March 31, 2013 September 1, 2013 — March 31, 2014</i>	<i>In all counties</i>	<i>No limit</i>	<i>No limit</i>
<i>(3) Delmarva fox squirrel</i>	<i>Closed season — endangered species</i>			
D. Wild turkey				
<i>(1) Fall season — either sex</i>	<i>October 27, 2012 — November 3, 2012 October 26, 2013 — November 2, 2013</i>	<i>Allegany, Garrett, and Washington counties only</i>	<i>1 turkey per season</i>	<i>1 turkey per season</i>
<i>(2) Spring season</i>	<i>April 13, 2013— April 14, 2013 (Junior Hunt) April 12, 2014— April 13, 2014 (Junior Hunt) April 18, 2013 — May 23, 2013 April 18, 2014 — May 23, 2014 Subject to COMAR 08.03.03.01D</i>	<i>In all counties Subject to COMAR 08.03.03.01D</i>	<i>2 bearded turkeys per season , no more than 1 bearded turkey per day</i>	<i>2 bearded turkeys per season</i>

.04 Upland Game.

<i>Species</i>	<i>Open Season</i>	<i>Location</i>	<i>Bag Limits</i>	<i>Possession Limit</i>
<i>A. Crow</i>	<i>August 15 — March 15</i>	<i>In all counties— hunting allowed Wednesday, Thursday, Friday, and Saturday only</i>	<i>No limit</i>	<i>No limit</i>
<i>B. Pheasant (male only)</i>	<i>November 3, 2012 — December 31, 2012 November 2, 2013 — December 31, 2013</i>	<i>In all counties</i>	<i>1 per day</i>	<i>2</i>
<i>C. Pheasant (both sexes) Hunting with the aid of raptors (hawks and owls)</i>	<i>November 1, 2012 — March 31, 2013 November 1, 2013 — March 31, 2014</i>	<i>In all counties</i>	<i>1 per day</i>	<i>2</i>
D. Quail				
<i>(1) Western Zone – Private Land</i>	<i>November 3, 2012 — January 15, 2013 November 2, 2013 — January 15, 2014</i>	<i>In that portion of the State west of I-83 from the Pennsylvania line south to I-695 to I-95 south to the Virginia line, excluding Allegany and Garrett counties</i>	<i>6 per day, not more than 3 per day on lands owned or managed by DNR</i>	<i>12 in all counties and zones combined</i>
<i>(2) Eastern Zone – Private Land</i>	<i>November 3, 2012 — February 15, 2013 November 2, 2013 — February 15, 2014</i>	<i>In that portion of the State east of I-83 from the Pennsylvania line south to I-695 to I-95 south to the Virginia line</i>		
<i>(3) Lands owned or managed by DNR</i>	<i>November 3, 2012 — January 15, 2013 November 2, 2013 — January 15, 2014</i>	<i>In all counties, excluding Allegany and Garrett counties</i>		

(4) <i>Allegany and Garrett counties</i>	<i>Closed season</i>	<i>In Allegany and Garrett counties</i>		
(5) <i>Hunting with the aid of raptors (hawks and owls)</i>	<i>November 1, 2012 — March 31, 2013 November 1, 2013 — March 31, 2014</i>	<i>In all counties</i>	<i>4 per day</i>	<i>8</i>
<i>E. Rabbits</i>				
<i>(1) Eastern Cottontail Rabbit</i>				
(a) <i>In General</i>	<i>November 3, 2012 — February 28, 2013 November 2, 2013 — February 28, 2014</i>	<i>In all counties</i>	<i>4 per day</i>	<i>8</i>
(b) <i>Hunting with the aid of raptors (hawks and owls)</i>	<i>November 1, 2012 — March 31, 2013 November 1, 2013 — March 31, 2014</i>	<i>In all counties</i>	<i>4 per day</i>	<i>8</i>
(2) <i>Snowshoe Hare</i>	<i>Closed season</i>			
<i>F. Woodchuck</i>	<i>August 1 — July 31</i>	<i>In all counties</i>	<i>No limit</i>	<i>No limit</i>

.05 Fur-bearing Mammals.

<i>Species</i>	<i>Open Season</i>	<i>Location</i>	<i>Bag Limits</i>	<i>Possession Limit</i>
<i>A. Beaver — closed to nonresidents</i>	<i>December 15, 2012 — March 15, 2013 December 14, 2013 — March 15, 2014</i>	<i>In all counties</i>	<i>No limit</i>	<i>No limit</i>
<i>B. Bobcat</i>	<i>Closed season</i>			
<i>C. Coyote</i>				
<i>(1) Firearms or bow</i>	<i>August 1 — July 31</i>	<i>In all counties (May be hunted from ½ hour before sunrise to ½ hour after sunset)</i>	<i>No limit</i>	<i>No limit</i>
	<i>October 15, 2012 — March 15, 2013 October 15, 2013 — March 15, 2014</i>	<i>In all counties Daytime and nighttime hunting</i>	<i>No limit</i>	<i>No limit</i>
<i>(2) Trapping</i>	<i>November 1, 2012 — January 19, 2013 November 1, 2013 — January 18, 2014</i>	<i>In that portion of the State west of the Chesapeake Bay and Susquehanna River</i>	<i>No limit</i>	<i>No limit</i>
	<i>November 15, 2012 — January 31, 2013 November 15, 2013 — January 31, 2014</i>	<i>In all other portions of the State</i>	<i>No limit</i>	<i>No limit</i>
<i>D. Fisher</i>	<i>November 1, 2012 — January 19, 2013 November 1, 2013 — January 18, 2014</i>	<i>In all counties</i>	<i>2 per day</i>	<i>2 per season</i>
<i>E. Fox (red and gray)</i>				
<i>(1) Firearms, bow and trapping</i>	<i>November 1, 2012 — January 19, 2013 November 1, 2013 — January 18, 2014</i>	<i>In that portion of the State west of the Chesapeake Bay and Susquehanna River, except Charles County</i>	<i>No limit</i>	<i>No limit</i>
	<i>November 15, 2012 — January 31, 2013 November 15, 2013 — January 31, 2014</i>	<i>In all other portions of the State, except Dorchester County</i>	<i>No limit</i>	<i>No limit</i>
	<i>August 1 — July 31</i>	<i>In Charles and Dorchester counties</i>	<i>No limit</i>	<i>No limit</i>

PROPOSED ACTION ON REGULATIONS

(2) Firearms or bow	January 21, 2013 — February 4, 2013 January 20, 2014 — February 3, 2014	In that portion of the State west of the Chesapeake Bay and Susquehanna River, except Charles County	No limit	No limit
	February 1, 2013 — February 15, 2013 February 1, 2014 — February 15, 2014	In all other portions of the State, except Dorchester County	No limit	No limit
F. Muskrat and mink	November 15, 2012 — February 15, 2013 November 15, 2013 — February 15, 2014	In Allegany, Carroll, Frederick, Garrett, Howard, and Washington counties	No limit	No limit
	December 15, 2012 — March 15, 2013 December 14, 2013 — March 15, 2014	In Baltimore, Cecil, Harford, Kent, Queen Anne's, Somerset, and Worcester counties	No limit	No limit
	January 1, 2013 — March 15, 2013 January 1, 2014 — March 15, 2014	In Anne Arundel, Calvert, Caroline, Charles, Dorchester, Montgomery, Prince George's, St. Mary's, Talbot, and Wicomico counties	No limit	No limit
G. Nutria	August 1 — July 31	All areas, except as provided below	No limit	No limit
	November 15 — March 15	On lands owned or controlled by the Department in Caroline, Dorchester, Somerset, Talbot, Wicomico, and Worcester counties, open only to leaseholders	No limit	No limit
H. Otter — closed to nonresidents	December 15, 2012 — March 15, 2013 December 14, 2013 — March 15, 2014	In Carroll, Frederick, Howard, Montgomery, and Washington counties	2 per day	2 per season
		In all other counties (except Allegany and Garrett counties)	10 per day	10 per season
		In Allegany and Garrett counties	1 per day	1 per season
I. Raccoon and Opossum				
(1) Chasing — no kill	August 1 — October 14 March 16 — July 31	In all counties		
(2) Firearms, bow, and dog	October 15, 2012 — March 15, 2013 October 15, 2013 — March 15, 2014	In all counties (May be hunted from sunset to sunrise only)	No limit	No limit
(3) Trapping	November 1, 2012 — March 15, 2013 November 1, 2013 — March 15, 2014	In that portion of the State west of the Chesapeake Bay and Susquehanna River	No limit	No limit
	November 15, 2012 — March 15, 2013 November 15, 2013 — March 15, 2014	In all other portions of the State	No limit	No limit
J. Skunk and Long-Tailed Weasel	November 1, 2012 — January 19, 2013 November 1, 2013 — January 18, 2014	In that portion of the State west of the Chesapeake Bay and Susquehanna River	No limit	No limit
	November 15, 2012 — January 31, 2013 November 15, 2013 — January 31, 2014	In all other portions of the State	No limit	No limit

.06 Deer Hunting — General.

A. (text unchanged)

B. Bonus Antlered Deer Stamps.

(1) An individual with a hunting license and the appropriate season stamp may purchase a bonus antlered deer stamp which allows the individual to hunt one additional antlered deer [for] *per hunting license year in a particular* [that] deer management region [and season with each stamp purchased].

(2) Pursuant to Natural Resources Article, §10-301, Annotated Code of Maryland, an individual allowed to hunt deer without a license does not need to purchase a bonus antlered deer stamp to take *one additional* [a bonus] antlered deer *per hunting license year in a particular deer management region*.

(3) An individual who purchases a bonus antlered deer stamp [but does not use it during a particular season] may use that stamp

during any [subsequent] *open season for white-tailed deer in a particular deer management region* in the same hunting license year.

(4) (text unchanged)

(5) An individual shall purchase a bonus antlered deer stamp before hunting [a bonus] *an additional* antlered deer.

(6) In Region B, a person may harvest an additional antlered deer only after harvesting two antlerless deer in Region B during any of the open seasons for white-tailed deer.

C. (text unchanged)

.07 White-Tailed Deer — Seasons and Regional Bag Limits.

A. A person may not take more than two antlerless deer on the following lands owned or controlled by the Department in Region A with any combination of bow, muzzleloader, and firearms bag limits, excluding the Junior Hunt day:

(1) — (15) (text unchanged)

(existing table proposed for repeal)

	<i>Season Dates</i> <i>Subject to COMAR 08.03.03.01D</i>	<i>Season Bag Limits</i>
<i>B. Antlered.</i>		
<i>(1) Bow Season.</i>		
<i>(a) Region A.</i>		
	<i>January 4, 2013—January 5, 2013</i> <i>January 10, 2014—January 11, 2014</i>	<i>1 antlered</i>
<i>(b) All lands.</i>		
	<i>September 7, 2012—October 17, 2012</i> <i>October 21, 2012—November 23, 2012</i> <i>December 10, 2012—December 14, 2012</i> <i>December 31, 2012—January 3, 2013</i> <i>January 7, 2013—January 31, 2013</i> <i>September 6, 2013—October 16, 2013</i> <i>October 20, 2013—November 29, 2013</i> <i>December 16, 2013—December 20, 2013</i> <i>January 6, 2014—January 9, 2014</i> <i>January 13, 2014—January 31, 2014</i>	
<i>(2) Muzzleloader Season.</i>		
	<i>October 18, 2012—October 20, 2012</i> <i>December 15, 2012—December 29, 2012</i> <i>October 17, 2013—October 19, 2013</i> <i>December 21, 2013—January 4, 2014</i>	<i>1 antlered</i> <i>During the October segment in Region A, a total of one deer, antlered or antlerless may be taken.</i>
<i>(3) Firearms Season.</i>		
<i>(a) Region B.</i>		
	<i>January 4, 2013—January 5, 2013</i> <i>January 10, 2014—January 11, 2014</i>	<i>1 antlered</i>

PROPOSED ACTION ON REGULATIONS

<i>(b) All lands.</i>		
	November 24, 2012—December 8, 2012 November 30, 2013—December 14, 2013	
<i>(4) All seasons combined.</i>		
		<i>One additional (Bonus) antlered deer may be taken per year in Region B only, for all seasons combined. The Bonus antlered deer may be taken in any weapon season. Before taking a Bonus antlered deer, hunters must first purchase a Bonus Antlered Deer Stamp and harvest two antlerless deer in Region B. These antlerless deer may be taken in any weapon season. Persons exempt from needing a hunting license do not need to purchase a Bonus Antlered Deer Stamp but must harvest two antlerless deer in Region B with any weapon prior to taking a Bonus antlered deer. Only one Bonus antlered deer may be taken each year for all seasons combined.</i>
<i>C. Antlerless.</i>		
<i>(1) Region A.</i>		
<i>(a) Bow Season.</i>		
	September 7, 2012—October 17, 2012 October 21, 2012—November 23, 2012 December 10, 2012—December 14, 2012 December 31, 2012—January 31, 2013 September 6, 2013—October 16, 2013 October 20, 2013—November 29, 2013 December 16, 2013—December 20, 2013 January 6, 2014—January 31, 2014	<i>1 antlerless Not more than 2 antlerless deer may be taken on lands owned or controlled by the Department in Region A with any combination of bow, muzzleloader, and firearms bag limits.</i>
<i>(b) Muzzleloader Season.</i>		
<i>(i) Lands owned or controlled by the Department.</i>		<i>1 antlerless During the October segment, a total of only one deer, antlered or antlerless may be taken. Not more than 2 antlerless deer may be taken on lands owned or controlled by the Department in Region A with any combination of bow, muzzleloader, and firearms bag limits.</i>
	December 29, 2012 January 4, 2014	
<i>(ii) Other lands.</i>		
	October 18, 2012—October 20, 2012 December 27, 2012—December 29, 2012 October 17, 2013—October 19, 2013 January 2, 2014—January 4, 2014	
<i>(c) Firearms Season.</i>		
<i>(i) Lands owned or controlled by the Department.</i>		<i>1 antlerless Not more than 2 antlerless deer may be taken on lands owned or controlled by the Department in Region A with any combination of bow, muzzleloader, and firearms bag limits.</i>
	December 8, 2012 December 14, 2013	

<i>(ii) Other lands.</i>		
	<i>December 7, 2012—December 8, 2012 December 13, 2013—December 14, 2013</i>	
<i>(2) Region B.</i>		
<i>(a) Bow Season.</i>		
	<i>September 7, 2012—October 17, 2012 October 21, 2012—November 23, 2012 December 10, 2012—December 14, 2012 December 31, 2012—January 3, 2013 January 7, 2013—January 31, 2013 September 6, 2013—October 16, 2013 October 20, 2013—November 29, 2013 December 16, 2013—December 20, 2013 January 6, 2014—January 9, 2014 January 13, 2014—January 31, 2014</i>	<i>No limit for antlerless deer.</i>
<i>(b) Muzzleloader Season.</i>		
	<i>October 18, 2012—October 27, 2012 December 15, 2012—December 29, 2012 October 17, 2013—October 26, 2013 December 21, 2013—January 4, 2014</i>	<i>10 antlerless</i>
<i>(c) Firearms Season.</i>		
	<i>November 24, 2012—December 8, 2012 January 4, 2013—January 5, 2013 November 30, 2013—December 14, 2013 January 10, 2014—January 11, 2014</i>	<i>10 antlerless</i>
<i>D. Junior Deer Hunt.</i>		
<i>(1) Region A.</i>		
<i>Antlered or antlerless</i>	<i>November 10, 2012—November 11, 2012 November 16, 2013—November 17, 2013</i>	<i>1 deer</i>
<i>(2) Region B.</i>		
<i>Antlered or antlerless</i>	<i>November 10, 2012—November 11, 2012 November 16, 2013—November 17, 2013</i>	<i>3 deer Not more than 1 antlered.</i>

.08 Sika Deer.

A. Sika deer may only be hunted in Caroline, Dorchester, Somerset, Talbot, Wicomico, and Worcester counties. (existing table proposed for repeal)

<i>Species</i>	<i>Season Dates Subject to COMAR 08.03.03.01D</i>	<i>Season Bag Limits</i>
<i>B. Bow Season.</i>		
<i>Antlered or antlerless</i>	<i>September 7, 2012 — October 17, 2012 October 21, 2012 — November 23, 2012 December 10, 2012 — December 14, 2012 December 31, 2012 — January 3, 2013 January 7, 2013 — January 31, 2013 September 6, 2013 — October 16, 2013</i>	<i>2 deer No more than 1 antlered.</i>

PROPOSED ACTION ON REGULATIONS

	October 20, 2013 — November 29, 2013 December 16, 2013 — December 20, 2013 January 6, 2014 — January 9, 2014 January 13, 2014 — January 31, 2014	
<i>C. Muzzleloader Season.</i>		
(1) Antlered or antlerless	October 18, 2012 — October 20, 2012 October 17, 2013 — October 19, 2013	1 antlered or 1 antlerless
(2) Antlerless	October 22, 2012 — October 27, 2012 October 21, 2013 — October 26, 2013	1 antlerless
(3) Antlered or antlerless	December 15, 2012 — December 29, 2012 December 21, 2013 — January 4, 2014	2 deer No more than 1 antlered. May not exceed sika deer combined total muzzleloader season bag limit when combined with previous muzzleloader segments.
(4) Sika deer combined total muzzleloader season bag limit		2 deer No more than 1 antlered.
<i>D. Firearms Season.</i>		
Antlered or antlerless	November 24, 2012 — December 8, 2012 January 4, 2013 — January 5, 2013 November 30, 2013 — December 14, 2013 January 10, 2014 — January 11, 2014	2 deer No more than 1 antlered.
<i>E. Junior Deer Hunt.</i>		
Antlered or antlerless	November 10, 2012—November 11, 2012 November 16, 2013—November 17, 2013	1 antlered or 1 antlerless

JOHN R. GRIFFIN
 Secretary of Natural Resources

Subtitle 03 WILDLIFE

08.03.04 Forest Wildlife

Authority: Natural Resources Article, §§10-205 and 10-408, Annotated Code of Maryland

Notice of Proposed Action

[12-127-P]

The Department of Natural Resources proposes to amend Regulations .05 and .22 and adopt new Regulation .23 under COMAR 08.03.04 Forest Wildlife.

Statement of Purpose

The purpose of this action is to amend two regulations and promulgate a new one in the Forest Wildlife section of COMAR. The Department proposes to amend Regulation .05 to allow a cocked, but unloaded crossbow in or on a vehicle. Regulation .22 allows deer harvested in the CWD management area to be moved outside that zone with certain constraints. Currently there is no provision to allow the carcass to be moved to a taxidermist outside the CWD management area. The Department proposes to establish “authorized licensed taxidermists” and allow these taxidermists to receive carcasses from within the CWD management area. A new regulation

is proposed that will require bow hunters to wear daylight fluorescent orange when hunting in the black bear hunting zone during the black bear season.

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 Peter Jayne, Associate Director, DNR, Wildlife and Heritage Service, P.O. Box 68, Wye Mills, MD 21679, or call 410-827-8612 x104, or email to pjayne@dnr.state.md.us, or fax to 410-827-5186. Comments will be accepted through July 2, 2012. A public hearing has not been scheduled.

.05 Devices for Hunting Deer and Black Bear.

- A. Bow.
 - (1) — (5) (text unchanged)
 - (6) Crossbow.
 - (a) — (b) (text unchanged)
 - (c) An individual may not possess a [cocked] crossbow loaded with an arrow while in or on a vehicle [whether unloaded or loaded with an arrow] except as provided for in COMAR 08.03.10.09.
- B. — F. (text unchanged)

.22 Cervid Carcass and Part Importation.

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

B. Terms Defined.
 (1) “Authorized commercial deer processor” means an establishment that is open to the public and processes cervid carcasses or parts into food products for compensation and that [possess] *possesses* a letter from the Director granting permission to possess and process deer taken from within a CWD management area.

(2) “Authorized licensed taxidermist” means a taxidermist licensed with the Service in accordance with *Natural Resources Article, §10-512, Annotated Code of Maryland, who is permitted to possess and preserve, mount or tan cervid carcasses or cervid parts taken from within a CWD management area in accordance with §C(2) of this regulation.*

[(2)] (3) — [(7)] (8) (text unchanged)

C. CWD Positive Areas and CWD Management Areas.

(1) The Department shall maintain a list of CWD positive areas, [and] CWD management areas, *authorized commercial deer processors and authorized licensed taxidermists* and make this list available to the public and post it on the Department’s website. The Department shall disseminate a notice of modification to the list through various media and post it on the Department’s website so that an affected person has a reasonable opportunity to be informed.

(2) *CWD Authorized Taxidermist.*

(a) *A licensed taxidermist may be authorized to possess and preserve, mount or tan cervid carcasses or cervid parts taken from within a CWD management area by signing an agreement to comply with disposal methods prescribed by the Service.*

(b) *The Service shall list a CWD authorization on a taxidermy license.*

D. (text unchanged)

E. Importation, Transportation, and Possession of Certain Cervid Parts Allowed. A person may import, transport, and possess the following parts of a dead cervid from a CWD positive area or a CWD management area:

- (1) — (4) (text unchanged)
- (5) Skull plate cleaned of all meat and brain tissue; [and]
- (6) Upper canine teeth, also known as buglers, whistlers, or ivories, cleaned of all soft tissue [.] and

(7) *Leg quarters, to include the bones, meat or hide of the front or hind legs, of a cervid with no portion of the spinal column attached.*

F. (text unchanged)

G. Temporary Possession Allowed.

- (1) — (3) (text unchanged)
- (4) *A person may transport a cervid carcass or part taken from a CWD management area to an authorized licensed taxidermist.*

[(4)] (5) An authorized commercial deer processor or *authorized licensed taxidermist* in Maryland may possess a cervid carcass or part originating from a CWD management area within Maryland.

H. (text unchanged)

.23 Hunting Deer When the Black Bear Season is Open.

A. *Except as provided in §B of this regulation, a person may not bow hunt or assist with bow hunting deer in the hunted area for black bears as defined by COMAR 08.03.04.20B when the black bear hunting season is open unless the person wears:*

- (1) *A cap of solid daylight fluorescent orange color;*
- (2) *A vest, jacket, or jacket containing back and front panels of at least 250 square inches of a solid daylight fluorescent orange color; or*
- (3) *An outer garment of camouflage fluorescent orange worn above the waist which contains at least 50 percent daylight fluorescent orange color.*

B. *This regulation does not apply to any person who hunts any wildlife on the person’s property with or without a hunter’s license.*

JOHN R. GRIFFIN
 Secretary of Natural Resources

Subtitle 03 WILDLIFE

08.03.06 Furbearer Wildlife

Authority: Natural Resources Article, §10-205, Annotated Code of Maryland

Notice of Proposed Action

[12-126-P]

The Department of Natural Resources proposes to amend Regulation **.01** under **COMAR 08.03.06 Furbearer Wildlife**.

Statement of Purpose

The purpose of this action is to require skinned otter carcasses harvested in Garrett and Allegany counties to be turned in to the Department of Natural Resources’ Wildlife and Heritage Service for biological data collection purposes. This is in conjunction with the proposal to open a limited trapping season in Garrett and Allegany counties for river otter.

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 Peter Jayne, Associate Director, DNR, Wildlife and Heritage Service, P.O. Box 68, Wye Mills, MD 21679, or call 410-827-8612 x104, or email to pjayne@dnr.state.md.us, or fax to 410-827-5186. Comments will be accepted through July 2, 2012. A public hearing has not been scheduled.

.01 Otter and Fisher Pelt Tags and Carcass Submission.

A. All otter and fisher pelts shall be tagged within 15 days after the close of the season. Pelts may not be sold or otherwise disposed of unless properly tagged. A person may not possess an untagged otter or fisher pelt, or part of a pelt, following the above date, whether it was trapped, killed, or caught in this State or in any other state, territory, or country. Otter and fisher pelt tags may be obtained from the local field offices of the Service and the Natural Resources Police Force.

B. *All skinned river otter carcasses harvested in Garrett and Allegany counties shall be forfeited to the Service at one of the*

Service offices in Garrett or Allegany counties within 45 days after the close of the season.

JOHN R. GRIFFIN
Secretary of Natural Resources

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 01 PROCEDURES

10.01.17 Fees for Community Health Programs

Authority: Health-General Article, §2-104, Annotated Code of Maryland

Notice of Proposed Action

[12-134-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .02 under COMAR 10.01.17 Fees for Community Health Programs.

Statement of Purpose

The purpose of this action is to:

- (1) Establish a new fee of \$400 for plan review of pools/spas, food processing plants, and food service facilities; and
- (2) Raise the licensing fee for certain food processing plants from \$150 to \$400.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. A fee increase is proposed for licensing of food processing plants and new fees are proposed for conducting plan reviews related to construction or modification of food processing plants, food service facilities, pools and spas, as current fee revenue is insufficient to offset the cost of regulatory activities. This will result in gain in General Fund revenue by the Department and an expense for certain regulated entities.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(R+)	\$530,250
B. On other State agencies:	NONE	
C. On local governments:	NONE	
Benefit (+) Cost (-)		
D. On regulated industries or trade groups:	(-)	\$530,250
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

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

A. and D. 849 food processing plant annual licenses x \$250 fee increase = \$212,250; 670 food processing plant/food service facility plan reviews x \$400 = \$268,000; and 125 pool/spa plan reviews x \$400 = \$50,000.

\$212,250 + 268,000 + 50,000 = \$530,250 total revenue/cost.

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 Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 512, Baltimore, Maryland 21201, or call 410-767-6499, or email to regs@dhmh.state.md.us, or fax to 410-767-6483. Comments will be accepted through July 2, 2012. A public hearing has not been scheduled.

.02 Fees.

The following fees are established by the Secretary:

A.—B. (text unchanged)

C. Annual license fee for:

(1) Food processing plants:

- (a) Bakery plant — [\$150] \$400;
- (b) Cannery — [\$150] \$400;
- (c) Confectionary plant — [\$150] \$400;
- (d) Crab meat plant — [\$150] \$400;
- (e) Ice manufacturing plant — [\$150] \$400;
- (f) Shellfish plant — [\$150] \$400;
- (g) Food manufacturing plant — [\$150] \$400;
- (h) Food warehouse or distribution center — [\$150] \$400;
- (i) Bottled water plant — [\$150] \$400;
- (j) Retail water plant — [\$150] \$400;
- (k) Soft drink manufacturing plant — [\$150] \$400;
- (l) Frozen food manufacturing plant — [\$150] \$400;
- (m)—(n) (text unchanged)

(2) Frozen dessert mix or frozen dessert plant with manufacturing capacity of:

- (a)—(d) (text unchanged)
- (e) Over 500,000 gallons — \$200; [and]

D. Seasonal food license fee — \$35;

E. Except for a local subdivision with delegated authority, plan review fee for:

- (1) Pool — \$400;
- (2) Spa — \$400; and
- (3) Food processing plants:
 - (a) Bakery plant — \$400;
 - (b) Cannery — \$400;
 - (c) Confectionary plant — \$400;
 - (d) Crab meat plant — \$400;
 - (e) Ice manufacturing plant — \$400;
 - (f) Shellfish plant — \$400;
 - (g) Food manufacturing plant — \$400;
 - (h) Food warehouse or distribution center — \$400;
 - (i) Bottled water plant — \$400;
 - (j) Retail water plant — \$400;
 - (k) Frozen food manufacturing plant — \$400; and

F. Plan review fee for a food service facility that is a chain or a franchise operation planning to construct two or more facilities in the State from a single uniform set of plans — \$400.

JOSHUA M. SHARFSTEIN, M.D.
Secretary of Health and Mental Hygiene

(c) At least every 4 months if the staff does not administer medications or assist the client with medication self-administration; or

(d) At a greater frequency established by the registered nurse due to the client's medical condition or clinical status.

(3) (text unchanged)

F.—G. (text unchanged)

JOSHUA M. SHARFSTEIN, M.D.
Secretary of Health and Mental Hygiene

Subtitle 07 HOSPITALS

10.07.05 Residential Service Agencies

Authority: Health-General Article, Title 19, Subtitle 4A, Annotated Code of Maryland

Notice of Proposed Action

[12-124-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .12 under COMAR 10.07.05 Residential Service Agencies.

Statement of Purpose

The purpose of this action is to require registered nurse supervision of care provided at a residential service agency at least every 45 days if medication is administered, at least every 3 months if the staff assists the client with self-administration of medications, at least every 4 months if the staff does not administer medications or assist the client with medication self-administration, or at a greater frequency as established by the registered nurse due to the client's medical condition or clinical status.

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 Michele A. Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to regs@dhmh.state.md.us, or fax to 410-767-6483.

.12 Services Provided.

A.—D. (text unchanged)

E. Nursing Supervision.

(1) (text unchanged)

[(2) The registered nurse shall provide periodic, on-site supervision of care at least every 90 days unless the licensee administers medications to the client, in which case supervision shall occur at least every 45 days.]

(2) The registered nurse shall provide periodic, on-site supervision of care:

(a) At least every 45 days if the staff administers medications to the client;

(b) At least every 3 months if the staff assists the client with self-administration of medications;

Subtitle 10 LABORATORIES

10.10.13 Medical Laboratories — Testing for Hereditary and Congenital Disorders in Newborn Infants

Authority: Health General Article, §13-111(d)(4)(iii), Annotated Code of Maryland

Notice of Proposed Action

[12-133-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .06 under COMAR 10.10.13 Medical Laboratories — Testing for Hereditary and Congenital Disorders in Newborn Infants.

Statement of Purpose

The purpose of this action is to increase the newborn screening and follow-up fee. Currently, COMAR 10.10.13.06B requires a fee of \$70 for newborn screening and follow-up. The proposed action seeks to increase the fee to \$100.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The newborn screening and follow-up fee will result in an increase of State revenues by \$2,040,000.

II. Types of Economic Impact.

Table with 3 columns: Revenue (R+/R-), Expenditure (E+/E-), and Magnitude. Rows A, B, and C.

Table with 3 columns: Benefit (+), Cost (-), and Magnitude. Rows D, E, and F.

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

A. and D. The increase in revenue of \$2,040,000 has been determined by multiplying the fee increase of \$30 by the estimated

number of newborns who are screened annually, which is \$68,000. Therefore, 68,000 × \$30 = \$2,040,000. This fee is paid by hospitals throughout the State of Maryland who are billed for newborn screening and follow-up services.

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 Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 512, Baltimore, Maryland 21201, or call 410-767-6499 (TTY 800-735-2258), or email to regs@dnhm.state.md.us, or fax to 410-767-6483. Comments will be accepted through July 2, 2012. A public hearing has not been scheduled.

.06 Fees.

A. (text unchanged)

B. Screening and Follow-up Fee Requirement. A birthing center or person responsible for having newborn screening carried out for a newborn infant outside a birthing facility shall pay a fee of [\$70] \$100 per newborn infant to the Department.

C. (text unchanged)

JOSHUA M. SHARFSTEIN, M.D.
Secretary of Health and Mental Hygiene

Subtitle 32 BOARD OF PHYSICIANS

10.32.02 Hearings Before the Board of Physicians

Authority: Health Occupations Article, §§1-307, 1-401, 1-402, 14-205, 14-317, 14-404, 14-405, 14-405.1, 14-406, 14-407, 14-408, 14-411, 14-505, 14-5A-16, 14-5A-17, 14-5A-17.1, 14-5A-19, 14-5B-13, 14-5B-14, 14-5B-14.1, 14-5B-16, 14-5C-16, 14-5C-17, 14-5C-19, 14-5D-13—14-5D-16, 14-601, 14-606, 15-314, 15-315, and 15-316; State Government Article, §§10-206, 10-216, and 10-226; Annotated Code of Maryland

Notice of Proposed Action

[12-117-P]

The Secretary of Health and Mental Hygiene proposes to repeal existing Regulations .02, .03, .06, and .09, adopt new Regulations .02—.07, .10, .11, .13, and .14, recodify and amend existing Regulations .04, .05, and .07 to be Regulations .08, .09, and .12, respectively, and recodify existing Regulations .08 and .10 to be Regulations .15 and .16, respectively, under COMAR 10.32.02 Hearings Before the Board of Physicians. This action was considered by the Board of Physicians at a public meeting held on January 25, 2012, notice of which was given by publication in 39:1 Md. R. 94 (January 13, 2012) pursuant to State Government Article, §10-506(c)(1), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to update the chapter based on operational changes resulting from revisions of the Medical Practice Act and changes in operating procedures. This proposal includes sanctioning guidelines for disciplining a physician for a violation of COMAR 10.32 or the Medical Practice Act. These actions include imposing administrative fines for failure to earn the requisite number of continuing medical education credits.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. These regulations give the Board explicit authority to fine a licensee for failure to obtain continuing medical education credits (CME) required for licensure renewal. The sanctioning guidelines, however, will serve as a guide to the Board when imposing discipline upon a licensee and will have no economic impact, except to the extent that a licensee is found guilty of a violation.

II. Types of Economic Impact.

Revenue (R+/R-)

Expenditure (E+/E-) Magnitude

- A. On issuing agency: (R+) \$10,000
- B. On other State agencies: NONE
- C. On local governments: NONE

Benefit (+)

Cost (-) Magnitude

- D. On regulated industries or trade groups: (-) \$10,000
- E. On other industries or trade groups: NONE
- F. Direct and indirect effects on public: NONE

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

A. and D. The Board of Physicians audits approximately 100 licensees per year to verify that they have earned their continuing medical education credits (50 required every 2 years for physicians; number varies per category of allied health practitioner). This estimate assumes that 10 percent of the sample will be lacking one or more credits and that, on the average, each licensee will lack 10 credits. Therefore, the fine imposed would be: 100 × 10 × .10 × \$100 = \$10,000. This will produce revenue to the Board and an expense on the licensees.

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 Michele A. Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to regs@dnhm.state.md.us, or fax to 410-767-6483. Comments will be accepted through July 2, 2012. A public hearing has not been scheduled.

.02 Definitions.

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

B. Terms Defined.

(1) "Administrative law judge (ALJ)" means a hearing officer delegated the duty of conducting evidentiary hearings for the Board.

(2) "Administrative Procedure Act" means State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

(3) "Administrative prosecutor" means the attorney assigned from the Office of the Attorney General to prosecute administrative charges.

(4) Administrative Reinstatement.

(a) "Administrative reinstatement" means the reactivation of an inactive or expired license.

(b) "Administrative reinstatement" does not include postdisciplinary reinstatement.

(5) "Advisory letter" means a nonpublic letter issued by the Board which informs, educates, or admonishes an individual licensed or certified by the Board in regard to the practice of medicine or an allied health profession under the Medical Practice Act.

(6) "Applicant" means an individual who has submitted to the Board an application for initial licensure or for administrative or postdisciplinary reinstatement.

(7) "Board" means the Maryland State Board of Physicians.

(8) "Board counsel" means the attorney assigned from the Office of the Attorney General for the purpose of advice on legal matters before the Board.

(9) "Cease and desist order" means an order of the Board prohibiting an individual from practicing medicine without a license.

(10) "Charging document" means a document issued by the Board which sets forth charges or an intent to deny an application for initial licensure or for simple reinstatement on grounds authorized by the medical practice act or other statute granting the Board disciplinary authority.

(11) Complaint.

(a) "Complaint" means an allegation or report that:

(i) A health care provider has committed a prohibited act for which the Board can take disciplinary action, impose a fine, or deny licensure; or

(ii) An individual is practicing medicine without a license.

(b) "Complaint" includes, but is not limited to, the following:

(i) Issuance of a certificate of merit in a malpractice claim;

(ii) A report from a hospital or related institution, or an alternative health system, pursuant to Health Occupations Article, §14-413 or 14-414, Annotated Code of Maryland;

(iii) A law enforcement report;

(iv) A report from another country, state, or jurisdiction or the armed services of the United States;

(v) A malpractice insurance report;

(vi) A report from another federal or state agency or court in any country, state, or jurisdiction;

(vii) Consumer complaints;

(viii) Media publications;

(ix) Statements on applications for licensure, renewal, or reinstatement; and

(x) Other information, from whatever source, which warrants investigation.

(12) "Contested case" has the meaning stated in State Government Article, §10-202(d), Annotated Code of Maryland.

(13) "Disciplinary Committee—Case Resolution (DC-CR)" means a committee composed of Board members who make recommendations to the Board for proposed disposition of matters prior to a hearing.

(14) "Disciplinary Committee—Investigations (DC-I)" means a committee composed of Board members, advised by staff, Board counsel, and others, which is designated by the Board to:

(a) Review complaints;

(b) Recommend for full investigation or closure; and

(c) Make recommendations as to action on cases under investigation.

(15) "Disposition agreement" means a formal nonpublic agreement by which the health care provider agrees to comply with certain conditions and the Board stays further investigation or forgoes further action on a matter based on compliance with those conditions.

(16) "Final order" means:

(a) The final written decision of the Board which results from a contested case proceeding or other formal proceeding and which contains findings of fact, conclusions of law, and a disposition which:

(i) Denies a license;

(ii) Sanctions by reprimand, probation, fine, consent order, suspension, or revocation;

(iii) Dismisses charges;

(iv) Accepts a surrender of a license; or

(v) Denies administrative reinstatement of a license;

(b) An order that denies postdisciplinary reinstatement of a license; or

(c) An order to cease and desist from the practice of medicine.

(17) "Fine" means a monetary penalty.

(18) "Imperatively requires" means that an action shall be undertaken pursuant to State Government Article, §10-226(c)(2), Annotated Code of Maryland, as a result of factual contentions which raise a substantial likelihood of risk of serious harm to the public health, safety, or welfare before an evidentiary hearing governed by the Administrative Procedure Act is likely to be completed and result in a final order.

(19) Investigation.

(a) "Investigation" means the gathering of the information necessary for the Board to determine one or more of the following:

(i) Whether there is reasonable cause to charge the respondent with a violation of the Medical Practice Act or another statute which gives the Board disciplinary authority;

(ii) Whether an applicant is eligible for licensure or administrative reinstatement;

(iii) The facts necessary for the Board to issue a declaratory ruling; or

(iv) Whether an individual has complied with any Board order.

(b) "Investigation" includes:

(i) A preliminary investigation; and

(ii) A full investigation.

(20) "Involved medical specialty" means the area of medical specialty whose practitioners, in the Board's opinion:

(a) Treat the medical or surgical ailment, symptom, or problem in question; and

(b) Would likely be familiar with the risks and benefits of treatments provided for that ailment, symptom, or problem.

(21) Licensure.

(a) "Licensure" means permission to engage in a health care profession regulated by the Board.

(b) "Licensure" includes certification and registration.

(22) "Medical Practice Act" means Health Occupations Article, §§14-101—14-702 and 15-101—15-502, Annotated Code of Maryland.

(23) "Peer review" means an evaluation by physicians with special qualifications to judge the matter at hand who are within the involved medical specialty or specialties, of an act or acts of medical or surgical care, or other acts connected with medical practice, by an applicant or licensee.

(24) "Postdeprivation hearing" means a Board hearing scheduled after the Board has issued an order for summary

suspension pursuant to State Government Article, §10-226(c)(2), Annotated Code of Maryland, and at which the respondent has the opportunity to explain why the Board should rescind the order of summary suspension.

(25) "Postdisciplinary reinstatement" means:

(a) The reactivation of a revoked or suspended license; or

(b) The reactivation of a license surrendered while the licensee was under investigation or subject to disciplinary charges.

(26) "Predeprivation hearing" means a Board hearing at which the respondent has the opportunity to explain why the Board should not issue an order for summary suspension pursuant to State Government Article, §10-226(c)(2), Annotated Code of Maryland.

(27) "Preliminary investigation" means the gathering of the information necessary for the Board to determine whether it should dismiss a complaint, or conduct further investigation to determine reasonable cause to charge the respondent with a violation of the Medical Practice Act or to find an applicant ineligible for licensure or simple reinstatement and begins with the receipt of a complaint.

(28) "Prohibited act" means any conduct for which the Board can issue a sanction.

(29) "Proposed decision" means the proposed findings of fact and, where required by the delegation order from the Board, the proposed conclusions of law and proposed disposition issued by the administrative law judge.

(30) "Recusal" means disqualification by a Board member from participating in a proceeding because of a legal interest or prejudice in the case before the Board.

(31) "Reinstatement inquiry panel" means a committee of Board members who may meet informally and confidentially with applicants for postdisciplinary reinstatement and make recommendations to the Board.

(32) "Respondent" means an individual who has been:

(a) Given notice to answer allegations concerning violations of a statute over which the Board has jurisdiction;

(b) Notified as to a potential summary suspension pursuant to State Government Article, §10-226(c), Annotated Code of Maryland;

(c) Given notice to answer allegations concerning violations of a Board order; or

(d) Given notice that the Board is investigating good moral character or the commission of an act that could be the subject of discipline if committed by a licensee, in relation to an application for licensure.

(33) "Revocation" means the removal of a health care provider's license to practice a health occupation.

(34) "Sanction" means an action by the Board which:

(a) Reprimands;

(b) Places on probation;

(c) Fines;

(d) Suspends or revokes a license;

(e) Disciplines by a consent order; or

(f) Accepts a letter of surrender in lieu of charges or further investigation or prosecution.

(35) "Sanctioning guidelines" means guidelines, adopted by the Board and set out in Regulation .11 of this chapter, indicating the minimum and maximum penalty associated with each ground for discipline and mitigating or aggravating circumstances which could result in imposition of a penalty below the minimum or above the maximum.

(36) "Show cause" means a demand by letter or order issued by the Board, which directs the respondent to:

(a) Respond either in writing or by an appearance before the Board; and

(b) Present reasons and argument why a particular order should not be entered.

(37) "Special qualifications to judge the matter at hand" means those credentials which qualify a peer reviewer as a member of the involved medical specialty in a particular case.

(38) "Stay" means the withholding of Board action against a health care provider.

(39) "Stet" means the act of staying further action in a proceeding, subject to the proceeding being reopened at a later date.

(40) "Summary suspension" means a denial for an indefinite period of the right to use a license.

(41) "Surrender" means the voluntary relinquishing of a license to the Board by a health care provider.

(42) "Suspension" means a denial of the right to use a license.

.03 Prehearing Proceedings.

A. This regulation applies to:

(1) Proceedings under Health Occupations Article, §1-307, 14-405, 14-5A-17(b), 14-5B-14(b), 14-5C-17(b), 14-5D-15, or 15-315, Annotated Code of Maryland; and

(2) To the extent specifically provided in this regulation, cease and desist orders.

B. This regulation does not apply to procedures pursuant to Health Occupations Article, §14-404(b), 14-5A-17(c), 14-5B-14(c), 14-5C-17(c), 14-5D-14(b), or 15-314(b), Annotated Code of Maryland.

C. Investigation of Complaints.

(1) Designated staff shall undertake a preliminary investigation of each complaint as appropriate to the nature of the complaint.

(2) The Board's Disciplinary Committee — Investigations (DC-I) shall review a complaint in light of the preliminary investigation and may direct further investigation, referral for peer review, dismissal, or dismissal with an advisory letter.

(3) Participation in the DC-I is not ordinarily a basis for recusal of a Board member from further proceedings in the case.

(4) Investigative Subpoenas.

(a) Except as provided in §C(4)(b) of this regulation, upon the receipt of a timely written request from a psychiatrist who is the subject of a complaint concerning the quality of the psychiatric care provided by that psychiatrist, a quorum of the Board shall review a subpoena for mental health records made or held by that psychiatrist before the subpoena is enforced.

(b) Section C(4)(a) of this regulation does not apply to:

(i) Any subpoena other than an investigative subpoena;

(ii) A subpoena issued in response to an investigation opened based upon a patient complaint;

(iii) A subpoena issued as a result of a complaint or action by a law enforcement agency;

(iv) A subpoena issued as a result of a complaint from a health care professional;

(v) A subpoena for records if the executive director or the deputy director determines that there is a reasonable possibility that the records will be destroyed, secreted, lost, or altered if the subpoena is not promptly enforced; or

(vi) A subpoena if the executive director or deputy director determines that there is a reasonable possibility of imminent harm to the public health, safety, or welfare, including the health, safety, or welfare of an individual patient.

(c) Section C(4)(b) of this regulation does not affect any rights which an individual may have under Health-General Article, Annotated Code of Maryland, to contest a subpoena in court.

D. Review by the Peer Reviewers.

(1) The Board shall contract for peer review services if a question of standards of quality care in the practice of medicine arises.

(2) The Board shall obtain reports from at least two different peer reviewers in each case.

(3) If one or both peer reviewers conclude that a violation of the standard of care has occurred, the Board shall make the final peer review report, consisting of the reports of each individual peer reviewer, available to the respondent for review before the Board considers whether to issue charges. The Board shall redact the names of the peer reviewers before making the report available under this section.

(4) The respondent may provide a written response to the peer review report within 10 business days after the report was sent to the respondent.

(5) The Board shall:

(a) Consider both the final peer review report and any written response submitted within the time period specified in §D(4) of this regulation; and

(b) Determine whether there is reasonable cause to charge a respondent with failure to meet appropriate standards of quality care.

E. Prosecution of Complaint.

(1) Except as provided in §E(2) of this regulation, the Board may not bring charges against a licensee based solely on events contained in a complaint the Board received more than 6 years after:

(a) The day the complainant actually discovered the facts that form the basis of the complaint; or

(b) The day when a reasonable person exercising due diligence should have discovered the facts that form the basis of the complaint.

(2) The prohibition in §E(1) of this regulation does not apply to complaints that are based on any of the following:

(a) Criminal convictions;

(b) Sexual misconduct;

(c) Other boundary violations;

(d) Reciprocal actions under Health Occupations Article, §14-404(a)(21), Annotated Code of Maryland;

(e) Ongoing substance abuse;

(f) Fraudulent concealment of material information; or

(g) Acts that occurred while a patient was a minor.

(3) After reviewing the completed investigative information and reports, the Board shall make its determination to:

(a) Dismiss the complaint;

(b) Take informal action by issuing a nonpublic advisory letter;

(c) Request the respondent to enter into a disposition agreement with the Board if the respondent suffers from substance abuse or a physical, mental, or emotional condition which may otherwise jeopardize medical care;

(d) Issue an initial cease and desist order, subject to:

(i) §E(4) and (5) of this regulation; and

(ii) The procedures set out in Regulation .13 of this chapter;

(e) Except as provided in §E(1) of this regulation, vote to charge a respondent with a violation of the Medical Practice Act or COMAR 10.32.07;

(f) Vote to deny initial licensure or administrative reinstatement; or

(g) Accept a surrender on terms acceptable to the Board.

(4) Summary Suspension.

(a) In addition to charging, the Board may vote an intent to summarily suspend the license of the respondent pursuant to State Government Article, §10-226(c), Annotated Code of Maryland.

(b) A vote to summarily suspend the license of the respondent may be taken before the Board charges the respondent.

(5) After a vote to take formal action under §E(2)(d), (e), or (f) of this regulation, the Board shall refer the matter to the administrative prosecutor for prosecutorial action.

(6) Based upon a review of the case, the prosecutor may refer the matter back to the Board for further consideration.

(7) If the Board issues charges or a notice of an intent to deny an application for initial licensure or for administrative reinstatement, the Board shall serve it upon the respondent by regular mail or hand delivery at the address the respondent maintains for purposes of licensure notice.

(8) The Board, in the notice of intent to deny an application for initial licensure or administrative reinstatement, shall provide the respondent with an opportunity to request a hearing within 30 days from receipt of service.

(9) Disciplinary Committee-Case Resolution (DC-CR).

(a) After service of the charging document, the Board shall offer the respondent a meeting with the DC-CR. This is a voluntary, informal settlement proceeding to explore the possibility of a consent order or other resolution of the matter.

(b) If there is no agreement between the respondent and the administrative prosecutor, the matter proceeds to a hearing.

(c) Except for the Board's consideration of a proposed resolution of a case achieved through the conference with the DC-CR, neither the Board nor the parties may make use of any commentary, admissions, facts revealed, or positions taken, including any disposition recommended by the DC-CR, in the subsequent stages of the disciplinary proceedings unless the subject matter is available from other sources or is otherwise discovered. Neither the respondent nor the administrative prosecutor may reveal this material.

(d) The complainant may attend and participate as authorized by statute. The complainant may be accompanied by Board staff but not by any other person.

(e) Participation in a DC-CR is not ordinarily a basis for recusal of a Board member from further proceedings in the case.

F. Representation; Parties.

(1) The respondent may appear in proper person or be represented by counsel in any matter before the Board and during any stage of the disciplinary proceedings. The respondent may be represented only by an attorney admitted to the Maryland Bar or specially admitted to practice law in Maryland under Rule 14 of the Maryland Rules Governing Admissions to the Bar found in the Maryland Rules.

(2) The administrative prosecutor shall present evidence and argument at an evidentiary hearing on the charges and arguments before the Board in the exceptions process as specified in Regulation .05 of this chapter.

(3) The administrative prosecutor is a party to the administrative proceedings:

(a) As soon as formal charges are issued; and

(b) Until the Board's final decision is issued.

(4) The Board is not a party to the proceedings before an administrative law judge.

.04 Adjudication of Allegations in a Charging Document.

A. Application.

(1) This regulation applies to cases under Health Occupations Article, §§1-307, 14-405, 14-5A-17(b), 14-5B-14(b), 14-5C-17(b), 14-5D-15, and 15-315 Annotated Code of Maryland.

(2) This regulation does not apply to cases under Health Occupations Article, §14-404(b), 14-5A-17(c), 14-5B-14(c), 14-5C-17(c), 14-5D-14(b), or 15-314(b), Annotated Code of Maryland, or to cease and desist orders issued under Health Occupations Article, §14-206(e), Annotated Code of Maryland.

B. Delegation.

(1) The Board shall initially delegate to an administrative law judge responsibility to make:

(a) Proposed findings of fact;

(b) Proposed findings of fact and proposed conclusions of law; or

(c) Proposed findings of fact, proposed conclusions of law, and proposed disposition.

(2) If the Board has delegated the case to the Office of Administrative Hearings for the issuance of proposed findings of fact only, the following apply:

(a) The delegation to the Office of Administrative Hearings is limited to making proposed findings of fact on allegations which are disputed according to §C of this regulation;

(b) The Board may rescind the delegation if:

(i) The parties jointly notify the Board prior to the prehearing conference, or the administrative law judge notifies the Board prior to the occurrence of the factors set out in State Government Article, §10-205(d)(2), Annotated Code of Maryland, that there are no substantial factual allegations in dispute;

(ii) The notification recites the facts which are undisputed; and

(iii) The Board determines that the facts agreed upon are sufficient to decide the issue; and

(c) If a delegation to the Office of Administrative Hearings has been rescinded pursuant to §B(2)(b) of this regulation, the Board shall set the case on the Board docket for the Board to issue conclusions of law and a disposition based on the undisputed material facts, after giving the parties a reasonable opportunity for written and oral argument.

(3) If the Board has delegated the case to the Office of Administrative Hearings for the issuance of proposed findings of fact and conclusions of law only, the following apply:

(a) The delegation to the Office of Administrative Hearings is limited to making proposed findings of fact and conclusions of law on allegations which are disputed according to §C of this regulation; and

(b) The Board may rescind the delegation if:

(i) The parties jointly notify the Board prior to the prehearing conference, or the administrative law judge notifies the Board prior to the occurrence of the factors set out in State Government Article, §10-205(d)(2), Annotated Code of Maryland, that there are no substantial factual allegations or conclusions of law in dispute;

(ii) The notification recites the facts and conclusions of law which are undisputed; and

(iii) The Board determines that the facts and conclusions of law agreed upon are sufficient to decide the issue.

(c) If a delegation to the Office of Administrative Hearings has been rescinded pursuant to §B(3)(b) of this regulation, the Board shall set the case on the Board docket for the Board to issue a disposition based on the undisputed material facts and conclusions of law, after giving the parties a reasonable opportunity for written and oral argument.

(4) The Board may rescind a delegation to an administrative law judge if prior to the start of the evidentiary hearing:

(a) The parties execute a proposed consent order settling all aspects of the case; and

(b) The Board formally executes an approval of that proposed consent order.

C. Discovery.

(1) Discovery on Request. In addition to any disclosures required by §C(2) or (3) of this regulation, by written request served on the other party and filed with the administrative law judge, a party may require another party to produce, within 15 calendar days, the following:

(a) A list of witnesses to be called; and

(b) Copies of documents intended to be produced at the hearing.

(2) Mandatory Notice of Specific Defenses in Cases Involving the Standard of Quality Care.

(a) The respondent shall notify the administrative prosecutor not later than 45 days after the issuance of charges of any statement made to the respondent by the patient which was not recorded in the respondent's medical record of the patient, and which affected the patient's course of treatment, including but not limited to:

(i) Any refusal of hospitalization or treatment;

(ii) Any report of symptoms;

(iii) Any report of the effects of medication;

(iv) Any report by the patient of consultations or treatment by other health care providers; and

(v) Any expressions by the patient of a preference for one course of treatment over another.

(b) The respondent shall notify the administrative prosecutor not later than 45 days after the issuance of charges of:

(i) Any consultation concerning the patient, formal or informal, with any other health care provider, which is not recorded in the patient's medical record; or

(ii) Any communication with family members of the patient which affected the patient's course of treatment, and which is not recorded in the patient's medical record.

(c) The notices required by §C(2)(a) and (b) of this regulation shall be in writing and shall state:

(i) The name of the declarant or consultant;

(ii) The substance of the declaration or consultant report; and

(iii) The date on which each communication took place.

(d) Unless the respondent has provided the notice required by §C(2) of this regulation, the administrative law judge shall exclude from the hearing any evidence described in §C(2)(a) or (b) of this regulation.

(3) Mandatory Discovery.

(a) Each party shall provide to the other party not later than 15 days prior to the prehearing conference or 45 days prior to the scheduled hearing, whichever is earlier:

(i) The name and curriculum vitae of any expert who will testify at the hearing; and

(ii) A detailed written report prepared and signed by the expert summarizing the expert's testimony, which includes the opinion offered and the factual basis and the reasons underlying the opinion.

(b) If the administrative law judge finds that the report is not sufficiently specific, or otherwise fails to comply with the requirements of this section, the administrative law judge shall exclude from the hearing:

(i) The testimony of the expert; and

(ii) Any report of the expert.

(c) The administrative law judge shall consider and decide arguments concerning the sufficiency of the report at the prehearing conference.

(d) If an expert adopts the written report of the Board peer reviewer or reviewers, or adopts a sufficiently specific charging document as the expert's report, that adoption is considered to satisfy the requirements set forth in §C(3) of this regulation.

(4) Parties are not entitled to discovery of items except as listed in §C(1), (2), or (3) of this regulation.

(5) Subject to §C(7) of this regulation, both parties have a continuing duty to supplement their disclosures of witnesses and documents.

(6) Absent unforeseen circumstances which would otherwise impose an extraordinary hardship on a party, witnesses or documents may not be added to the list subsequent to:

(a) The prehearing conference, if scheduled; or

(b) If no prehearing conference is scheduled, 15 days prior to the hearing.

(7) The prohibition from adding witnesses subsequent to the prehearing conference does not apply to witnesses or documents to be used for impeachment or rebuttal purposes.

D. Hearing.

(1) Unless the delegation has been rescinded according to §B(2), (3), or (4) of this regulation, the administrative law judge shall conduct an evidentiary hearing governed by the Administrative Procedure Act and COMAR 28.02.01.

(2) Evidence otherwise admissible under COMAR 28.02.01 may not be excluded solely on the ground that the evidence is not recited in the charging document.

(3) During these proceedings, the administrative law judge shall treat all records except for a charging document issued by the Board as confidential and sealed.

(4) Construction.

(a) In hearings conducted by an administrative law judge of the Office of Administrative Hearings, §C of this regulation shall, whenever possible, be construed as supplementing and in harmony with COMAR 28.02.01.

(b) In the event of a conflict between §C of this regulation and COMAR 28.02.01, §C of this regulation shall apply.

(5) The administrative law judge shall issue to the Board a written proposed decision including, where applicable, proposed findings of fact, proposed conclusions of law, and a proposed disposition after the conclusion of the hearing.

.05 Board Exceptions Process and Final Order.

A. Application.

(1) This regulation applies to cases under Health Occupations Article, §§1-307, 14-405, 14-5A-17(b), 14-5B-14(b), 14-5C-17(b), 14-5D-15, and 15-315 Annotated Code of Maryland.

(2) This regulation does not apply to cases under Health Occupations Article, §14-404(b), 14-5A-17(c), 14-5B-14(c), 14-5C-14(c), 14-5D-14(b), or 15-314(b), Annotated Code of Maryland, or to cease and desist orders issued under Health Occupations Article, §14-206(e), Annotated Code of Maryland.

B. Exceptions.

(1) Written Exceptions.

(a) Any party may file with the Board exceptions to a proposed decision of an Administrative Law Judge within 15 days of its issuance. A party may file a response to any exceptions within 15 days of the date the exceptions are filed. The Board may extend the period for filing exceptions and responses. The Board may grant a party filing exceptions the opportunity to file a reply to a response within a stated period of time as determined by the Board in any specific case. No further exceptions or responses of any kind may be accepted.

(b) Format.

(i) Written exceptions and responses to exceptions are limited to 15 pages in length, double-spaced and in at least 12-point type, and with margins of at least 1 inch.

(ii) Any reply to responses to exceptions is limited to five pages in the same format.

(iii) If a party attaches any part of the record to the exceptions, response, or reply, the attached pages are to be encompassed within the applicable page limit.

(c) Exceptions, responses, and replies may refer to the record by citing the exhibit number or the transcript page.

(d) The chairman or the chairman's designee may in each case rule on specific procedural issues with respect to written exceptions.

(e) The Board may not accept additional evidence through the written exceptions process.

(2) Oral Exceptions Hearing.

(a) If either party files exceptions, the Board shall schedule a hearing, ordinarily 30 days after the receipt of responses to the exceptions, after which the Board shall issue an order containing the Board's findings of fact, conclusions of law, and disposition.

(b) The presiding Board member, usually the Board chairman, shall:

(i) Determine all procedural issues that are governed by this section;

(ii) Make any rulings reasonably necessary to facilitate the effective and efficient operation of the hearing; and

(iii) Ordinarily limit oral presentation by the respondent and the administrative prosecutor to 20 minutes each.

(c) The party who filed the first exceptions shall ordinarily proceed first.

(3) Additional Evidence. At the oral exceptions hearing, the Board may not accept additional evidence unless:

(a) Both parties consent to the admission of additional documentary evidence and the Board determines that acceptance of the additional evidence would promote the just and efficient completion of the process; or

(b) The Board determines that either:

(i) A compelling reason exists that would create an obvious injustice if the additional documentary evidence were not considered and the evidence can be admitted without compromising the rights of the other party, including the other party's opportunity to see the proffered evidence in a timely manner or cross-examine the source of the proffered document and present evidence to the contrary; or

(ii) The evidence has been timely proffered before the administrative law judge and the administrative law judge abused his or her discretion in refusing to admit the evidence.

(4) If the parties do not file exceptions, the Board shall consider the record, including the proposed decision of the administrative law judge, and issue its order based on the Board's findings of fact and conclusions of law.

(5) A Board staff member who testified at the hearing before the administrative law judge may not be present during Board deliberations.

C. Board Action.

(1) Final Order. The Board shall issue a final order after the conclusion of:

(a) An exceptions hearing; or

(b) Other formal Board proceedings.

(2) Effect of Revocation Order.

(a) When a time period is not stated in an order for revocation, the Board may not entertain an application for postdisciplinary reinstatement until at least 3 years after the date of the order.

(b) A revocation of a license may not be for less than 1 year and may be permanent.

(c) The Board may not entertain an application for postdisciplinary reinstatement after an order of revocation unless:

(i) Any time period stated in the order has expired;

(ii) Any condition set out in the order has been fulfilled;

(iii) The applicant has filed a formal application and paid the fee; and

(iv) The applicant meets all of the requirements for reinstatement set out in COMAR 10.32.01.10.

(d) The Board shall entertain applications for reinstatement pursuant to the procedures and standards of Regulation .06B of this chapter.

(3) Denial of Licensure. If the Board issues a final order of denial of an application for initial licensure on disciplinary grounds or on grounds of lack of moral character, the respondent may not

reapply for a minimum of 3 years or for a longer period as set out in the order.

(4) Tolling.

(a) Except as a Board order directs otherwise in a specific case, if a licensee subject to probation or suspension fails to renew a license:

(i) The failure to renew the license does not remove the suspension or probation from the licensee's disciplinary record during the period of nonrenewal;

(ii) Any condition of probation or condition precedent to terminating a suspension that is dependent on possessing a license is tolled until the probationer or suspended licensee again possesses a license; and

(iii) The time period of probation or suspension, if any, is tolled until the probationer or suspended licensee again possesses a license.

(b) Section C(4)(a) of this regulation does not:

(i) Apply to fines; or

(ii) Require the Board to reinstate any former licensee.

.06 Postdisciplinary Reinstatement of a License.

A. Postdisciplinary reinstatement after an order of suspension is subject to the following conditions:

(1) If an order suspends a license for a certain period of time, the respondent may petition the Board for postdisciplinary reinstatement only pursuant to that order;

(2) The Board may not entertain early termination of the suspension;

(3) If termination of a suspension is made contingent on the happening of an event, the respondent shall establish the occurrence of the event to the satisfaction of the Board; and

(4) If a health care practitioner whose license is suspended fails to renew the suspended license when that license expires, the health care practitioner may petition the Board for termination of suspension only after applying for and meeting the requirements for reinstatement set out in COMAR 10.32.01.10.

B. Postdisciplinary reinstatement of a revoked or surrendered license is subject to the following conditions:

(1) A petitioner for postdisciplinary reinstatement of a revoked or surrendered license shall submit the following:

(a) A written application for reinstatement on a form prescribed by the Board;

(b) The appropriate fee;

(c) Written responses to any questions the Board may propose concerning the reasons the license was revoked or surrendered and the petitioner's current fitness to practice; and

(d) Evidence of the completion of continuing medical education credits to the same extent as if the petitioner had been continuously licensed;

(2) If a license was revoked or surrendered while the licensee was under investigation or subject to disciplinary charges, the Board may not consider the application for postdisciplinary reinstatement unless:

(a) If the letter of surrender indicates that the surrender or the revocation order is for a certain length of time, the time period has expired;

(b) If the letter of surrender or revocation order does not indicate a time certain, 3 years have passed; and

(c) If the letter of surrender makes reinstatement contingent on certain conditions, those conditions have occurred;

(3) The Board may grant postdisciplinary reinstatement of a revoked or surrendered license only in accordance with the terms of the order of revocation or the letter of surrender;

(4) The Board may grant postdisciplinary reinstatement subject to any terms and conditions the Board considers appropriate for

public safety and the protection of the integrity and reputation of the profession;

(5) The Board may convene a reinstatement inquiry panel which:

(a) May conduct an informal inquiry which shall include, if requested, an opportunity for the petitioner to have a personal interview with the panel;

(b) May consider the petitioner's history;

(c) May consider presentations from both the petitioner and the administrative prosecutor's office; and

(d) Shall make a recommendation to the full Board;

(6) The full Board shall consider the application form, the petitioner's responses to the written questions, and the supporting documentation and written arguments, if any, submitted by the petitioner and the administrative prosecutor's office, as well as the reinstatement inquiry panel's recommendation;

(7) The Board shall determine in its discretion if postdisciplinary reinstatement is in the interest of the health and welfare of the general public and consistent with the best interest of the profession; and

(8) A Board decision denying reinstatement may set out when, if ever, a subsequent petition may be submitted.

C. The Board shall issue a final written order on the postdisciplinary reinstatement application that:

(1) Reinstates the license of the petitioner without conditions;

(2) Reinstates the license of the petitioner with one or more of the following conditions:

(a) Probation;

(b) Requirements for supervision;

(c) Further review of competence or performance;

(d) Limitations on practice; or

(e) Other conditions that the Board considers necessary; or

(3) Denies reinstatement.

D. An order granting or denying postdisciplinary reinstatement is an order resulting from formal disciplinary action.

E. A petition for postdisciplinary reinstatement may be withdrawn only with the permission of the Board. The Board may not refund the fee except for extraordinary cause.

.07 Judicial Review.

A. A respondent whose license has been sanctioned by a final order of the Board after a contested case proceeding may seek judicial review of the Board's decision as provided under Health Occupations Article, §14-408(b), Annotated Code of Maryland.

B. An individual whose application for initial licensure or administrative reinstatement has been denied by a final Board order after a contested case proceeding may appeal the decision as provided under Health Occupations Article, §14-408(b), 14-5A-17.1, 14-5B-14.1, 14-5D-15, or 15-315(b), Annotated Code of Maryland.

[.04] .08 Proceedings under Health Occupations Article, §§14-404(b), 14-5A-17(c), [and] 14-5B-14(c), 14-5C-17(c), 14-5D-14(b), and 15-314(b), Annotated Code of Maryland.

A. In this regulation, "health care provider" means an individual who is a:

(1)—(2) (text unchanged)

(3) [Certified medical radiation technologist; or] *Licensed radiographer*;

(4) [Certified] *Licensed nuclear medical technologist*[.];

(5) *Licensed radiation therapist*;

(6) *Licensed radiologist assistant*;

(7) *Licensed polysomnographic technologist*;

(8) *Licensed athletic trainer*; or

(9) *Licensed physician assistant*.

B. Health Occupations Article, §§14-404(b), 14-5A-17(c), [and] 14-5B-14(c), 14-5C-17(c), 14-5D-14(b), and 15-314(b), Annotated

Code of Maryland, [governs] *govern* mandatory actions of the suspension or revocation of a license on the filing of certified docket entries, if the health *care* provider is convicted of or pleads guilty, *including by an Alford plea*, or a *plea of nolo contendere* to a crime involving moral turpitude.

C. Procedures.

(1) The Office of the Attorney General through Board counsel shall provide to the Board certified docket entries of the criminal court proceeding and the following documents from the court record:

(a) (text unchanged)

(b) For a plea of guilty, *including an Alford plea*, or a *plea of nolo contendere*, at least one of the following:

(i)—(iv) (text unchanged)

(2) When the Board determines that documents provided to it indicate that the respondent comes within the language and intent of Health Occupations Article, §14-404(b), 14-5A-17(c), [or] 14-5B-14(c), 14-5C-17(c), 14-5D-14(b), or 15-314(b), Annotated Code of Maryland, and the Board has a basis for finding preliminarily that it applies to the respondent, the Board shall vote to issue an order requiring the respondent to show cause why the Board should not take action under this section.

(3)—(4) (text unchanged)

D. (text unchanged)

E. Opportunity to Be Heard.

(1)—(2) (text unchanged)

(3) The respondent may also, within 30 days of service of the show cause order, request an opportunity to address the Board by a limited evidentiary hearing on the same issues. However, this argument may not be as of right, but is discretionary based on the existence of genuine issues of material fact or law *as determined by the Board*.

(4) The presiding Board member, usually the Board chairman, shall determine all procedural issues that are governed by this section, and may impose reasonable time limitations. The presiding Board member shall make any rulings reasonably necessary to facilitate the effective and efficient operation of the hearing. Ordinarily, the respondent and the administrative prosecutor shall limit their oral presentation to [30] 20 minutes each. The respondent shall proceed first.

(5)—(6) (text unchanged)

F. (text unchanged)

G. Burdens of Production and Persuasion.

(1) (text unchanged)

(2) The administrative prosecutor bears the burden of persuasion by [clear and convincing evidence] *a preponderance of the evidence* that the respondent was convicted of or pled guilty or nolo contendere to a crime of moral turpitude.

H. Board Action.

(1) (text unchanged)

(2) A pending appeal of the conviction or plea does not operate as a bar to the Board's acting under Health Occupations Article, §14-404(b)(1), 14-5A-17(c)(1), [or] 14-5B-14(c)(1), 14-5C-17(c), 14-5D-14(b)(1), or 15-314(b), Annotated Code of Maryland.

(3) A respondent suspended pursuant to Health Occupations[,] Article, §§14-404(b), 14-5A-17(c), [or] 14-5B-14(c), 14-5C-17(c), 14-5D-14(b)(1), or 15-314(b), Annotated Code of Maryland, shall be reinstated immediately upon the filing of a certified docket entry that the conviction has been reversed. The reinstatement does not terminate any other disciplinary action or investigation pending against the respondent.

[.05] .09 Summary Suspension.

A.—C. (text unchanged)

D. Predeprivation Hearing Before the Board.

(1) The presiding Board member shall determine all procedural issues that are governed by this section, and may impose reasonable time limitations. The presiding Board member may make any rulings reasonably necessary to facilitate the effective and efficient operation of the hearing, and shall limit the oral presentation by the respondent and the administrative prosecutor to [30] 20 minutes each. The respondent shall proceed first.

(2)—(3) (text unchanged)

E.—I. (text unchanged)

J. Evidentiary Hearing Before the Administrative Law Judge.

(1) (text unchanged)

(2) After a full evidentiary hearing, the administrative law judge shall provide the Board with proposed findings of fact and conclusions of law and proposed disposition. The administrative prosecutor and respondent may file exceptions in accordance with Regulation [.03F] .05B of this chapter. After the Board issues its final order, the respondent may appeal this decision in accordance with Regulation [.03H] .07 of this chapter.

.10 Sanctioning and Imposition of Fines.

A. General Application of Sanctioning Guidelines.

(1) Sections A and B of this regulation and Regulation .11A and B of this chapter do not apply to offenses for which a mandatory sanction is set by statute or regulation.

(2) Except as provided in §B of this regulation, for violations of the sections of the Medical Practice Act listed in the sanctioning guidelines, the Board shall impose a sanction not less severe than the minimum listed in the sanctioning guidelines nor more severe than the maximum listed in the sanctioning guidelines for each offense.

(3) Ranking of Sanctions.

(a) For the purposes of this regulation, the severity of sanctions is ranked as follows, from the least severe to the most severe:

- (i) Reprimand;
- (ii) Probation;
- (iii) Suspension; and
- (iv) Revocation.

(b) A stayed suspension in which the stay is conditioned on the completion of certain requirements is ranked as probation.

(c) A stayed suspension not meeting the criteria for §A(3)(b) of this regulation is ranked as a reprimand.

(d) A fine listed in the sanctioning guidelines may be imposed in addition to but not as a substitute for a sanction. If a minimum fine is listed, at least the minimum fine shall be imposed in addition to the sanction listed.

(e) The addition of a fine does not change the ranking of the severity of the sanction.

(4) The Board may impose more than one sanction, provided that the most severe sanction neither exceeds the maximum nor is less than the minimum sanction permitted in the chart.

(5) Any sanction may be accompanied by conditions reasonably related to the offense or to the rehabilitation of the offender. The inclusion of conditions does not change the ranking of the sanction.

(6) If a licensee has violated more than one ground for discipline as set out in the sanctioning guidelines:

(a) The sanction with the highest severity ranking should be used to determine which ground will be used in developing a sanction; and

(b) The Board may impose concurrent sanctions based on other grounds violated.

(7) Notwithstanding the sanctioning guidelines set forth in Regulation .11 of this chapter, in order to resolve a pending disciplinary action, the Board and the licensee may agree to a

surrender of license or a consent order with terms, sanction, and fine agreed to by the Board, the administrative prosecutor, and the licensee.

B. Aggravating and Mitigating Factors.

(1) Depending on the facts and circumstances of each case, and to the extent that the facts and circumstances apply, the Board may consider the aggravating and mitigating factors set out in §B(4) and (5) of this regulation and may in its discretion determine, based on those factors, that an exception should be made and that the sanction in a particular case should fall outside the range of sanctions listed in the sanctioning guidelines.

(2) Nothing in this regulation requires the Board or an Administrative Law Judge to make findings of fact with respect to any of these factors.

(3) The existence of one or more of these factors does not impose on the Board or an Administrative Law Judge any requirement to articulate its reasoning for not exercising its discretion to impose a sanction outside of the range of sanctions set out in the sanctioning guidelines.

(4) Mitigating factors may include, but are not limited to, the following:

- (a) The absence of a prior disciplinary record;
- (b) The offender self-reported the incident;
- (c) The offender voluntarily admitted the misconduct, made full disclosure to the Board and was cooperative during the Board proceedings;
- (d) The offender implemented remedial measures to correct or mitigate the harm arising from the misconduct;
- (e) The offender made good faith efforts to make restitution or to rectify the consequences of the misconduct;
- (f) The offender has been rehabilitated or exhibits rehabilitative potential;
- (g) The misconduct was not premeditated;
- (h) There was no potential harm to patients or the public or other adverse impact; or
- (i) The incident was isolated and is not likely to recur.

(5) Aggravating factors may include, but are not limited to, the following:

- (a) The offender has a previous criminal or administrative disciplinary history;
- (b) The offense was committed deliberately or with gross negligence or recklessness;
- (c) The offense had the potential for or actually did cause patient harm;
- (d) The offense was part of a pattern of detrimental conduct;
- (e) The offender committed a combination of factually discrete offenses adjudicated in a single action;
- (f) The offender pursued his or her financial gain over the patient's welfare;
- (g) The patient was especially vulnerable;
- (h) The offender attempted to hide the error or misconduct from patients or others;
- (i) The offender concealed, falsified or destroyed evidence or presented false testimony or evidence;
- (j) The offender did not cooperate with the investigation; or
- (k) Previous attempts to rehabilitate the offender were unsuccessful.

C. Fines for Unauthorized Practice of Medicine.

(1) The Board may impose a fine as provided in §C(3) of this regulation for

- (a) Practicing medicine without a license in violation of Health Occupations Article, §14-601, Annotated Code of Maryland; or
- (b) A violation of an order of cease and desist from practicing medicine without a license.

(2) Factors in determining the amount of a fine include, but are not limited to the following:

- (a) The extent to which the respondent derived any financial benefit from the improper conduct;
- (b) The willfulness of the improper conduct;
- (c) The extent of actual or potential public harm caused by the improper conduct, and
- (d) The deterrent effect of the fine.

(3) Range of Fines Imposed.

(a) Except as specified in §C(3)(b) of this regulation, the Board may impose fines as follows:

- (i) For the first violation, not less than \$1,000 and not more than \$30,000;
- (ii) For the second violation, not less than \$10,000 and not more than \$40,000; and
- (iii) For the third violation, not less than \$15,000 and not more than \$50,000.

(b) If the conduct resulted in harm to any patient, the Board may consider each patient seen to be a separate violation when imposing a fine listed in §C(3)(a) of this regulation.

(4) The Board shall pay all monies collected pursuant to this section into the Board's fund.

D. Other Fines.

(1) The Board shall impose a fine of \$100 for a violation of Health Occupations Article, §14-505, Annotated Code of Maryland, and a fine of \$100 for a violation of Health Occupations Article, §14-316(f), Annotated Code of Maryland.

(2) The Board shall pay all monies collected pursuant to §E(1) of this regulation into the Board's fund.

E. Offenses Related to Continuing Medical Education Credits.

(1) First Offense of Failure to Document Credits.

(a) Except as provided in §E(2) or (3) of this regulation, if a licensee has submitted an application claiming the completion of continuing medical education credits and the licensee fails to document the completion of such continuing medical education credits when audited by the Board, the Board may impose a civil fine under Health Occupations Article, §14-316(d)(4), 14-5A-13(d)(2), 14-5B-12(d)(2), 14-5D-12(g), or 15-307(f), Annotated Code of Maryland, of up to \$100 per missing continuing medical education credit in lieu of a sanction under Health Occupations Article, §14-404, 14-5A-17, 14-5B-14, 14-5D-14, or 15-314, Annotated Code of Maryland.

(b) Section E(1)(a) of this regulation does not limit the Board's authority to require completion of the missing continuing medical education credits.

(2) Willful Falsification.

(a) If a licensee has willfully falsified an application with respect to continuing medical education credits, the licensee may be charged under one or more of the following, as appropriate:

- (i) Health Occupations Article, §14-404(a)(3), 14-5A-17(a)(3), 14-5B-14(a)(3), 14-5D-14(a)(3), or 15-314(a)(3), Annotated Code of Maryland;
- (ii) Health Occupations Article, §14-404(a)(11), 14-5A-17(a)(10), 14-5B-14(a)(10), 14-5D-14(a)(10), or 15-314(a)(11), Annotated Code of Maryland; and
- (iii) Health Occupations Article, §14-404(a)(36) or 15-314(a)(36), Annotated Code of Maryland.

(b) Upon a finding of a violation, the Board may impose any discipline authorized under Health Occupations Article, §14-404(a), 14-405.1, 14-5A-17, 14-5B-17, 14-5D-14, 15-314, or 15-316, Annotated Code of Maryland, and the sanctioning guidelines.

(3) Licensees Previously Disciplined Under §E(1) or (2) of this Regulation.

(a) If a licensee has been previously fined or otherwise disciplined under §E(1) or (2) of this regulation, the Board may, for a

subsequent offense relating to continuing medical education credits, charge a licensee under one or more of the following, as appropriate:

(i) Health Occupations Article, §14-404(a)(3), 14-5A-17(a)(3), 14-5B-14(a)(3), 14-5D-14(a)(3), or 15-314(a)(3), Annotated Code of Maryland;

(ii) Health Occupations Article, §14-404(a)(11), 14-5A-17(a)(10), 14-5B-14(a)(10), 14-5D-14(a)(10), or 15-314(a)(11), Annotated Code of Maryland; and

(iii) Health Occupations Article, §14-404(a)(36) or 15-314(a)(36), Annotated Code of Maryland.

(b) Upon a finding of a violation, the Board may impose any discipline authorized under Health Occupations Article, §14-404(a), 14-405.1, 14-5A-17, 14-5B-17, 14-5D-14, 15-314, or 15-316, Annotated Code of Maryland, and the sanctioning guidelines for a subsequent offense.

(c) The Board may not apply the sanction described in §E(1) of this regulation in determining a sanction for a licensee previously fined or disciplined for an offense related to continuing medical education credits.

(4) The Board shall pay all monies collected pursuant to this section into the State's General Fund.

F. Payment of Fines.

(1) An individual shall pay to the Board any fine imposed under this regulation within 15 calendar days of the date of the order, unless the order specifies otherwise.

(2) Filing an appeal under State Government Article, §10-222, Annotated Code of Maryland, does not stay payment of a fine imposed by the Board pursuant to this regulation.

(3) If an individual fails to pay, in whole or in part, a fine imposed by the Board pursuant to this regulation, the Board may not restore, reinstate, or renew a license until the fine has been paid in full.

(4) In its discretion, the Board may refer all cases of delinquent payment to the Central Collection Unit of the Department of Budget and Management to institute and maintain proceedings to ensure prompt payment.

.11 Sanctioning Guidelines for Physicians.

A. Subject to provisions of Regulation .10A and B of this chapter, the Board may impose sanctions as outlined in §B of this regulation on physicians for violations of Health Occupations Article, §14-404(a), Annotated Code of Maryland.

B. Range of Sanctions.

Ground	Maximum Sanction	Minimum Sanction	Maximum Fine	Minimum Fine
(1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another	Revocation	Reprimand with 2 years probation	\$50,000	\$10,000
(2) Fraudulently or deceptively uses a license	Revocation	Probation	\$50,000	\$10,000
(3) Is guilty of immoral or unprofessional conduct in the practice of medicine, consisting of:				
(a) Sexual impropriety as defined by the Board's regulations at COMAR 10.32.17.02	Revocation	Reprimand	\$50,000	\$10,000
(b) A sexual violation as defined in the Board's regulations at COMAR 10.32.17.02	Revocation	1 year probation	\$50,000	\$10,000
(c) Ethical violations that are not sexual in nature	Revocation	Reprimand	\$50,000	\$5,000
(d) Attesting to earning but failing to earn required number of continuing medical education (CME) credits	Revocation	Reprimand	\$50,000	\$10,000
(4) Incompetence				
(a) Is professionally incompetent	Revocation	Suspension until professional incompetence is addressed to the Board's satisfaction.	\$50,000	\$5,000
(b) Is physically or mentally incompetent	Revocation	Suspension until physical or mental incompetence is addressed to the Board's satisfaction.	\$50,000	\$0

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(5) Solicits or advertises in violation of Health Occupations Article, §14-503, Annotated Code of Maryland	Reprimand with probation	Reprimand	\$50,000	\$5,000
(6) Abandons a patient	Revocation	Reprimand	\$50,000	\$10,000
(7) Habitually is intoxicated	Revocation	Suspension until physician is in treatment and has been abstinent for 6 months	\$50,000	\$0
(8) Is addicted to, or habitually abuses, any narcotic or controlled dangerous substance as defined in Criminal Law Article, §5-101, Annotated Code of Maryland	Revocation	Suspension until physician is in treatment and has been abstinent for 6 months	\$50,000	\$0
(9) Provides professional services: (a) While under the influence of alcohol; or (b) While using any narcotic or controlled dangerous substance, as defined in Criminal Law Article, §5-101, Annotated Code of Maryland, or other drug that is in excess of therapeutic amounts or without valid medical indication	Revocation	Suspension until physician is in treatment and has been abstinent for 6 months	\$100,000	\$10,000
(10) Promotes the sale of drugs, devices, appliances, or goods to a patient so as to exploit the patient for financial gain	Suspension for 5 years	Reprimand	\$50,000	\$10,000
(11) Willfully makes or files a false report or record in the practice of medicine	Revocation	Reprimand	\$50,000	\$10,000
(12) Willfully fails to file or record any medical report as required under law, willfully impedes or obstructs the filing or recording of the report, or induces another to fail to file or record the report	Revocation	Reprimand	\$50,000	\$10,000
(13) On proper request, and in accordance with the provisions of Health - General Article, Title 4, Subtitle 3, Annotated Code of Maryland, fails to provide details of a patient's medical record to the patient, another physician, or hospital	Suspension	Reprimand	\$10,000	\$1,000
(14) Solicits professional patronage through an agent or other person or profits from the acts of a person who is represented as an agent of the physician	Suspension for 1 year	Reprimand	\$50,000	\$5,000
(15) Pays or agrees to pay any sum to any person for bringing or referring a patient or accepts or agrees to accept any sum from any person for bringing or referring a patient	Revocation	Reprimand	\$100,000	\$10,000

<p>(16) Agrees with a clinical or bioanalytical laboratory to make payments to the laboratory for a test or test series for a patient, unless the licensed physician discloses on the bill to the patient or third-party payor: (a) The name of the laboratory; (b) The amount paid to the laboratory for the test or test series; and (c) The amount of procurement or processing charge of the licensed physician, if any, for each specimen taken</p>	<p>Suspension for 1 year</p>	<p>Reprimand</p>	<p>\$50,000</p>	<p>\$10,000</p>
<p>(17) Makes a willful misrepresentation in treatment</p>	<p>Revocation</p>	<p>Reprimand</p>	<p>\$50,000</p>	<p>\$10,000</p>
<p>(18) Unauthorized Persons</p>				
<p>(a) Practices medicine with an unauthorized person or aids an unauthorized person in the practice of medicine</p>	<p>Revocation</p>	<p>Reprimand</p>	<p>\$50,000</p>	<p>\$10,000</p>
<p>(b) When the offense under §B(18)(a) of this regulation: (i) Consists solely of a physician permitting an unlicensed allied health professional to work in a hospital (ii) The allied health professional is employed by the hospital, not the physician; (iii) The physician is not employed by the hospital; and (iv) The recruitment, hiring, scheduling, and credentialing of the allied health professional is performed by the hospital and not the physician</p>	<p>Suspension for 1 year</p>	<p>Reprimand</p>	<p>\$50,000</p>	<p>\$0</p>
<p>(19) Grossly overutilizes health care services</p>	<p>Revocation</p>	<p>Reprimand and probation for 2 years</p>	<p>\$50,000</p>	<p>\$10,000</p>
<p>(20) Offers, undertakes, or agrees to cure or treat disease by a secret method, treatment, or medicine</p>	<p>Revocation</p>	<p>Reprimand</p>	<p>\$50,000</p>	<p>\$10,000</p>
<p>(21) Is disciplined by a licensing or disciplinary authority or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or the Veterans' Administration for an act that would be grounds for disciplinary action under this section</p>	<p>Penalty comparable to what MBP imposes under equivalent Maryland ground for discipline</p>	<p>Penalty equivalent to that imposed by original licensing authority if this is lesser than MBP sanction would be.</p>	<p>Fine comparable to what MBP imposes under equivalent Maryland ground for discipline</p>	<p>Fine equivalent to that imposed by original licensing authority if this is lesser than MBP sanction would be</p>

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(22) Fails to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical and surgical care performed in an outpatient surgical facility, office, hospital, or any other location in this State	Revocation	Reprimand	\$50,000	\$5,000
(23) Willfully submits false statements to collect fees for which services are not provided	Revocation	Reprimand	\$50,000	\$10,000
(24) Was subject to investigation or disciplinary action by a licensing or disciplinary authority or by a court of any state or country for an act that would be grounds for disciplinary action under this section, and the licensee: (a) Surrendered the license issued by the state or country to the state or country; or (b) Allowed the license issued by the state or country to expire or lapse	Penalty comparable to what MBP imposes under equivalent Maryland ground for discipline	Penalty equivalent to that imposed by original licensing authority if this is lesser than MBP sanction would be	Fine comparable to what MBP imposes under equivalent Maryland ground for discipline	Fine equivalent to that imposed by original licensing authority if this is lesser than MBP sanction would be
(25) Knowingly fails to report suspected child abuse in violation of the Family Law Article, §5-704, Annotated Code of Maryland	Revocation	Reprimand	\$50,000	\$5,000
(26) Fails to educate a patient being treated for breast cancer of alternative methods of treatment as required by of Health-General Article, §20-113, Annotated Code of Maryland	Reprimand and probation of 1 year with mandatory CMEs	Reprimand	\$50,000	\$5,000
(27) Sells, prescribes, gives away, or administers drugs for illegal or illegitimate medical purposes	Revocation	Reprimand and probation for 3 years with practice oversight	\$100,000	\$10,000
(28) Fails to comply with the provisions of Health Occupations Article, §12-102, Annotated Code of Maryland, regarding dispensing prescriptions	Suspension for 2 years	Reprimand	\$50,000	\$2,500
(29) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee is licensed and qualified to render because the individual is HIV positive	Suspension for 1 year	Reprimand	\$50,000	\$5,000

<p>(30) Except as to an association that has remained in continuous existence since July 1, 1963: (a) Associates with a pharmacist as a partner or co-owner of a pharmacy for the purpose of operating a pharmacy; (b) Employs a pharmacist for the purpose of operating a pharmacy; or (c) Contracts with a pharmacist for the purpose of operating a pharmacy</p>	<p>Suspension for 3 years</p>	<p>Reprimand</p>	<p>\$50,000</p>	<p>\$5,000</p>
<p>(31) Except in an emergency life-threatening situation where it is not feasible or practicable, fails to comply with the Centers for Disease Control and Prevention's guidelines on universal precautions</p>	<p>Revocation</p>	<p>Reprimand</p>	<p>\$100,000</p>	<p>\$10,000</p>
<p>(32) Fails to display the notice regarding CDC universal precautions, as required under Health Occupations Article, §14-415, Annotated Code of Maryland</p>	<p>Suspension</p>	<p>Reprimand</p>	<p>\$10,000</p>	<p>\$1,000</p>
<p>(33) Fails to cooperate with a lawful investigation conducted by the Board</p>	<p>Revocation</p>	<p>Reprimand</p>	<p>\$50,000</p>	<p>\$10,000</p>
<p>(34) Is convicted of insurance fraud as defined in Insurance Article, §27-801, Annotated Code of Maryland</p>	<p>Revocation</p>	<p>Suspension for 6 months</p>	<p>\$50,000</p>	<p>\$10,000</p>
<p>(35) Is in breach of a service obligation resulting from the applicant's or licensee's receipt of State or federal funding for the licensee's medical education</p>	<p>Revocation</p>	<p>Reprimand</p>	<p>\$100,000</p>	<p>\$10,000</p>
<p>(36) Willfully makes a false representation when seeking or making application for licensure or any other application related to the practice of medicine</p>	<p>Revocation</p>	<p>Reprimand</p>	<p>\$50,000</p>	<p>\$10,000</p>
<p>(37) By corrupt means, threats, or force, intimidates or influences, or attempts to intimidate or influence, for the purpose of causing any person to withhold or change testimony in hearings or proceedings before the Board or those otherwise delegated to the Office of Administrative Hearings</p>	<p>Revocation</p>	<p>Suspension for 3 years</p>	<p>\$50,000</p>	<p>\$10,000</p>
<p>(38) By corrupt means, threats, or force, hinders, prevents, or otherwise delays any person from making information available to the Board in furtherance of any investigation of the Board</p>	<p>Revocation</p>	<p>Suspension for 3 years</p>	<p>\$50,000</p>	<p>\$10,000</p>

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(39) Intentionally misrepresents credentials for the purpose of testifying or rendering an expert opinion in hearings or proceedings before the Board or those otherwise delegated to the Office of Administrative Hearings	Revocation	Probation for 3 years	\$50,000	\$10,000
(40) Fails to keep adequate medical records as determined by appropriate peer review	Suspension for 1 year	Reprimand	\$50,000	\$2,500
(41) Performs a cosmetic surgical procedure in an office or a facility that is not: (a) Accredited by: (i) The American Association for Accreditation of Ambulatory Surgical Facilities; (ii) The Accreditation Association for Ambulatory Health Care; or (iii) The Joint Commission on the Accreditation of Health Care Organizations; or (b) Certified to participate in the Medicare program, as enacted by Title XVIII of the Social Security Act	Revocation	Reprimand	\$50,000	\$10,000
(42) Fails to comply with the provisions of Health Occupations Article, §14-504, Annotated Code of Maryland, regarding acupuncture	Revocation of acupuncture registration	Reprimand	\$1,000	\$0
(43) Fails to comply with the provisions of Health Occupations Article, Title 1, Subtitle 3, Annotated Code of Maryland, regarding patient referrals	Revocation	Suspension for 6 months	\$100,000	\$25,000

[.07] .12 Recusal in Board Proceedings.

A.—C. (text unchanged)

D. Participation by a Board member in an investigation, [CRC, WRP,] DC-I, DC-CR, or other administrative proceeding involving a respondent does not constitute a basis for recusal in a contested case proceeding unless the Board member has:

(1)—(2) (text unchanged)

.13 Cease and Desist Orders.

A. An initial Board order to cease and desist from the unauthorized practice of medicine:

- (1) Is a public document; and
- (2) Is effective immediately unless the order states otherwise.

B. The Board shall serve the initial order by hand delivery, certified mail, or first-class mail.

C. Challenge.

(1) A respondent may challenge the factual or legal basis of the initial order by filing a written opposition within 30 days of its issuance, and may include a request for a hearing.

(2) The Board shall consider that opposition and shall provide a hearing if requested.

(3) After considering the written opposition and the presentations at the hearing, if any, the Board may issue a final order to rescind, modify, or affirm the cease and desist order.

(4) The Board shall serve the final order by hand delivery, certified mail, or first-class mail to the last known address of the respondent.

(5) The respondent may seek judicial review of the Board's final order as provided in the Administrative Procedure Act.

D. Violations of a Cease and Desist Order.

(1) The Board may impose a fine as provided in Regulation .10C of this chapter on any individual who violates a cease and desist order.

(2) Before imposition of a fine for violation of a cease and desist order, the Board shall give notice of the alleged violation, and an opportunity for a hearing.

(3) The hearing may not concern issues:

- (a) That were not raised under §C of this regulation; or
- (b) That were raised under §C of this regulation, but for which the Board did not grant the relief or modification requested.

(4) The only issues to be considered at the hearing are:

(a) Whether the individual violated the cease and desist order; and

(b) The amount of any fine to be imposed.

(5) The Board shall issue a final order stating whether a violation occurred and if so, the amount of the fine.

(6) The respondent may seek judicial review of the Board's final order as provided in the Administrative Procedure Act.

E. Nothing in this regulation prohibits the Board from delegating any hearing to the Office of Administrative Hearings as permitted by State Government Article, §10-205, Annotated Code of Maryland.

.14 Proposed Orders; Show Cause Hearings.

A. Nothing in this chapter prohibits the Board from issuing a charging document with a proposed order which will go into effect if the respondent fails to request a hearing.

B. Nothing in this chapter prohibits the Board from conducting a show cause hearing to determine if there has been:

(1) A violation of probation;

(2) A violation of a condition under which any portion of a disciplinary order was stayed; or

(3) Any other violation of a Board order.

C. The Board may terminate a show cause hearing if it determines that there are material facts in dispute which cannot reasonably be determined in that venue. The Board may then convene an evidentiary hearing or delegate such a hearing to an administrative law judge.

JOSHUA M. SHARFSTEIN, M.D.
Secretary of Health and Mental Hygiene

Title 13A
STATE BOARD OF
EDUCATION
Subtitle 03 GENERAL
INSTRUCTIONAL PROGRAMS

13A.03.06 Universal Design for Learning

Authority: Education Article, §2-205(c) and (h), Annotated Code of Maryland

Notice of Proposed Action

[12-130-P-I]

The Maryland State Board of Education proposes to adopt new Regulations .01 — .07 under a new chapter, **COMAR 13A.03.06 Universal Design for Learning**. This action was considered at the Maryland State Board of Education meeting held on March 27, 2012.

Statement of Purpose

The purpose of this action is to promote Universal Design for Learning principles to maximize learning opportunities for all students, including students with disabilities, students who are gifted and talented, and students who are English language learners, and guide local school systems in the development of curriculum, instructional planning, instructional delivery, material selection, and assessment.

Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

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:

Incorporation of Universal Design for Learning guidelines and principles will improve access for students with disabilities to the new general education Common Core State Curriculum, general education settings, and differentiated instructional materials used for design, delivery, implementation, and assessment.

Opportunity for Public Comment

Comments may be sent to Fran Sorin, Coordinator, Professional Development for Division of Special Education/Early Intervention Services, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0244 (TTY 410-333-6442), or email to fsorin@msde.state.md.us, or fax to 410-333-8165. Comments will be accepted through July 2, 2012. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on July 24-25, 2012, at 200 West Baltimore Street, Baltimore, Maryland 21201.

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, A Route for Every Learner, 2011, has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 39:2 Md. R. 104 (January 27, 2012), and is available online at www.dsd.state.md.us. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.01 Purpose.

The purpose of this chapter is to promote the application of Universal Design for Learning (UDL) principles to maximize learning opportunities for students, including students with disabilities, students who are gifted and talented, and students who are English language learners, and guide local school systems in the development of curriculum, instructional planning, instructional delivery, material selection, and assessment.

.02 Scope.

This chapter applies to local school systems that provide educational services to children, prekindergarten through grade 12.

.03 Incorporation by Reference.

A framework of UDL principles and guidelines as set forth in "A Route for Every Learner, 2011" is incorporated by reference.

.04 Definitions.

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

B. Terms Defined.

(1) "Materials" means the various media used by:

- (a) Educators to present and assess learning content; and
- (b) Students to demonstrate knowledge and skill.

(2) "Universal Design for Learning (UDL)" means a research-based framework for curriculum design, that includes goals,

methods, materials, and assessments to reduce barriers to learning by providing students multiple accessible support options for:

- (a) Acquiring information and knowledge;
- (b) Demonstrating knowledge and skills in alternative forms of action and expression; and
- (c) Engaging in learning.

.05 Integration of UDL Guidelines and Principles.

A. Beginning in the 2013—2014 school year, using the Maryland Common Core State Curriculum in English and mathematics as a model, local school systems shall use UDL guidelines and principles, consistent with Regulation .03 of this chapter, in the development or revision of curriculum.

B. Beginning in the 2014—2015 school year, local school systems shall use UDL guidelines and principles, consistent with Regulation .03 of this chapter, in the development and provision of:

- (1) Curriculum;
- (2) Instructional materials;
- (3) Instruction;
- (4) Professional development; and
- (5) Student assessments.

.06 Criteria for Selection of Instructional Materials.

Local school systems shall select instructional materials that meet:

A. The accessibility requirements as described in COMAR 13A.05.02.13H as they pertain to technology-based instructional products; and

B. The UDL guidelines, consistent with Regulation .03 of this chapter, in order to provide multiple options for:

- (1) Representation, including:
 - (a) Perception;
 - (b) Language, mathematical expressions and symbols; and
 - (c) Comprehension;
- (2) Action and Expression, including:
 - (a) Physical action;
 - (b) Expression and communication; and
 - (c) Executive functions; and
- (3) Engagement, including:
 - (a) Recruiting interest;
 - (b) Sustaining effort and persistence; and
 - (c) Self-regulation.

.07 Certification Procedures.

A. Beginning with the 2014—2015 school year, local school system superintendents shall certify in writing to the State Superintendent of Schools that UDL principles and guidelines, consistent with Regulation .03 of this chapter, are used for ongoing curriculum development.

B. Certification will be required every 3 years, thereafter.

BERNARD J. SADUSKY, Ed.D.
Interim State Superintendent of Schools

Title 15 DEPARTMENT OF AGRICULTURE

Subtitle 11 ANIMAL HEALTH

15.11.08 Eradication of Hog Cholera

Authority: Agriculture Article, §3-101, Annotated Code of Maryland

Notice of Proposed Action

[12-132-P]

The Secretary of Agriculture proposes to repeal Regulations .01 — .09 under COMAR 15.11.08 Eradication of Hog Cholera.

Statement of Purpose

The purpose of this action is to repeal COMAR 15.11.08 in its entirety. Hog Cholera has been eradicated from the U.S. for many years; therefore, these regulations are obsolete. This action is in accordance with the 2011 Regulatory Review and Evaluation under Executive Order 01.01.2003.20 and State Government Article, §10-133, Annotated Code of Maryland.

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 Dr. Guy Hohenhaus, State Veterinarian, Maryland Department of Agriculture, 50 Harry S Truman Parkway, Annapolis, MD 21401, or call 410-841-5810, or email to animalhealth@mda.state.md.us, or fax to 410-841-5999. Comments will be accepted through July 2, 2012. A public hearing has not been scheduled.

EARL F. HANCE
Secretary of Agriculture

Subtitle 11 ANIMAL HEALTH

15.11.10 Eradication of Sheep Scabies in Maryland

Authority: Agriculture Article, §3-101, Annotated Code of Maryland

Notice of Proposed Action

[12-131-P]

The Secretary of Agriculture proposes to repeal Regulations .01 — .11 under COMAR 15.11.10 Eradication of Sheep Scabies in Maryland.

Statement of Purpose

The purpose of this action is to repeal COMAR 15.11.10 in its entirety. Sheep scabies has been eradicated from U.S. for many years; therefore, these regulations are obsolete. This action is in accordance with the 2011 Regulatory Review and Evaluation under Executive

Order 01.01.2003.20 and State Government Article, §10-133, Annotated Code of Maryland.

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 Dr. Guy Hohenhaus, State Veterinarian, Maryland Department of Agriculture, 50 Harry S Truman Parkway, Annapolis, MD 21401, or call 410-841-5810, or email to animalhealth@mda.state.md.us, or fax to 410-841-5999. Comments will be accepted through July 2, 2012. A public hearing has not been scheduled.

EARL F. HANCE
Secretary of Agriculture

**Title 21
STATE PROCUREMENT
REGULATIONS**

Notice of Proposed Action

[12-135-P]

The Board of Public Works proposes to amend:

- (1) Regulation .01 under **COMAR 21.01.02 Terminology**;
- (2) Regulation .04 under **COMAR 21.02.01 Board of Public Works**; and
- (3) Regulation .04 under **COMAR 21.02.05 Department of General Services**.

This action was considered at a public meeting held on April 4, 2012, notice of which was published pursuant to State Government Article, §10-506, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to 1) conform procurement regulations governing capital equipment to current policy and generally accepted accounting principles; and 2) change the Board of Public Works delegation for equipment purchases.

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 Mary Jo Childs, Procurement Advisor, Board of Public Works, 80 Calvert Street, Room 117, Annapolis, MD 21401, or call 410-260-7335, or email to mchilds@comp.state.md.us,

or fax to 410.974.5240. Comments will be accepted through July 2, 2012. A public hearing has not been scheduled.

Subtitle 01 GENERAL PROVISIONS

21.01.02 Terminology

Authority: State Finance and Procurement Article, §§11-101 and 12-101, Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (14) (text unchanged)

(15) [“Capital equipment” means an item which is purchased through General Construction Loan funds or through a capital appropriation.] *Repealed.*

(16) — (18) (text unchanged)

(19) Commodity.

(a) (text unchanged)

(b) “Commodity” differs from “supply” in that commodity does not include leases of real property [and insurance].

(20) — (85) (text unchanged)

(86) Supplies.

(a) “Supplies” means all tangible personal property, including equipment, and leases of equipment, [insurance,] including necessarily associated services[, and printing].

(b) (text unchanged)

(87) — (98) (text unchanged)

Subtitle 02 STATE PROCUREMENT ORGANIZATION

21.02.01 Board of Public Works

Authority: State Finance and Procurement Article, §§12-101, 12-107, 12-202, 12-203, 12-204, and 13-108; Education Article, §§14-204, 14-205, and 14-405; Article 41, §§4-104.1 and 4-104.2; Annotated Code of Maryland; Chapter 471, 1991 Laws of Maryland; Chapter 608, Acts of 1999

.04 Delegation of Procurement and Contracting Authority.

A. (text unchanged)

B. The Department of General Services. The Board hereby delegates authority to the Secretary of General Services for the approval and award of the following procurement contracts within the Department’s jurisdiction:

(1) — (4) (text unchanged)

(5) [Capital] *For any single item of equipment or single equipment lease, equipment contracts and leases of equipment in the amount of [\$50,000] \$200,000 or less, unless funded with general obligation bond proceeds which must be approved by the Board regardless of amount;*

(6) — (7) (text unchanged)

(8) Contracts for the purchase of all commodities and supplies, *except for contracts for single items of equipment or single equipment leases in an amount over \$200,000;*

(9) — (10) (text unchanged)

C. The Department of Transportation.

(1) The Board hereby delegates authority to the Secretary of Transportation and to the Maryland Transportation Authority for the approval and award of the following procurement contracts within their respective jurisdictions:

(a) — (d) (text unchanged)

(e) [Capital] *For any single item of equipment or single equipment lease within the procurement authority of the Secretary of Transportation or the Maryland Transportation Authority, equipment*

contracts and leases of equipment in the amount of [\$50,000] \$200,000 or less unless funded with general obligation bond proceeds, which must be approved by the Board regardless of amount;

(f) — (i) (text unchanged)

(2) (text unchanged)

D. — E. (text unchanged)

F. Maryland Port Commission. The Board hereby delegates authority to the Chairman of the Maryland Port Commission for the approval and award of the following procurement contracts within the Maryland Port Commission's jurisdiction:

(1) — (4) (text unchanged)

(5) [Capital] For any single item of equipment or single equipment lease within the procurement authority of the Maryland Port Commission, equipment contracts and leases of equipment in the amount of [\$50,000] \$200,000 or less unless funded with general obligation bond proceeds, which must be approved by the Board regardless of amount;

(6) — (11) (text unchanged)

G. (text unchanged)

H. Department of Public Safety and Correctional Services. The Board delegates authority to the Secretary of Public Safety and Correctional Services for the approval and award of the following procurement contracts for State correctional facilities within the Department's jurisdiction:

(1) — (3) (text unchanged)

(4) [Capital] For any single item of equipment or single equipment lease within the procurement authority of the Secretary of Public Safety and Correctional Services, equipment contracts in support of construction and construction-related services in the amount of \$50,000 or less;

(5) — (9) (text unchanged)

I. — J. (text unchanged)

21.02.05 Department of General Services

Authority: State Finance and Procurement Article, §§4-204, 12-101, 12-107(b)(3), 12-108, and 13-108(a)(1), Annotated Code of Maryland

.04 Commodity Procurement.

A. — B.

C. [Capital Equipment Purchases. The using agency shall complete and submit to the Department of Budget and Management a Form CF-1 for all purchases funded by the General Construction Loan or a capital appropriation. After review and approval by the Department of Budget and Management, the Department shall process these requisitions.] *Repealed.*

D. — G. (text unchanged)

SHEILA McDONALD
Executive Secretary
Board of Public Works

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 04 REGULATION OF WATER SUPPLY, SEWAGE DISPOSAL, AND SOLID WASTE

26.04.02 Sewage Disposal and Certain Water Systems for Homes and Other Establishments in the Counties of Maryland Where a Public Sewage System Is Not Available

Authority: Environment Article, §§9-216, 9-217, 9-223, 9-252, 9-319, 9-510, 9-1108, 10-103, 10-301, and 10-304, Annotated Code of Maryland

Notice of Proposed Action

[12-125-P]

The Secretary of the Environment proposes to amend Regulations .01 and .04—.06, adopt new Regulation .07, and recodify existing Regulations .07—.11 to be Regulations .08—.12 under COMAR 26.04.02 Sewage Disposal and Certain Water Systems for Homes and Other Establishments in the Counties of Maryland Where a Public Sewage System Is Not Available.

Statement of Purpose

The purpose of this action is to require nitrogen-removal technology for on-site sewage disposal systems (OSDS) serving new construction in the Chesapeake Bay watershed and the Atlantic Coastal Bays watershed and to require nitrogen-removal technology for OSDS serving new construction in the watershed of any nitrogen-impaired water body. This action also provides for operation and maintenance of nitrogen-removal OSDS. In addition, this action requires nitrogen removal for any replacement system on property located in either the Chesapeake Bay critical area or the Atlantic Coastal Bays critical area pursuant to the requirements in Environment Article, §9-1108, Annotated Code of Maryland. Nitrogen has been identified as a contaminant to both groundwater and surface water. Reducing the nitrogen discharged by OSDS has been identified as an action necessary as part of Maryland's Watershed Implementation Plan in order to meet water quality standards. The Department has determined that requiring nitrogen-removal technology for OSDS is necessary to protect the waters of the State from contamination.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Currently nitrogen-removal technology must be included with any new or replacement OSDS installed in either the Chesapeake Bay critical area or the Coastal Bays critical area, basically within 1,000 feet of tidal water. To be certified as a nitrogen-removal technology in Maryland, 5 years of operation and maintenance must be included in the up-front cost system. This proposed action will expand the requirement for nitrogen-removal technology to include all OSDS serving new construction in the Chesapeake Bay watershed, in the Atlantic Coastal Bays watershed, and in the watershed of any nitrogen-impaired water body. The proposed action also requires operation and maintenance of the nitrogen-removal technology for the life of the system.

The proposed action will have economic impacts on State revenue, State agencies, local approving authorities, small businesses, the regulated industry, and the regulated community. The Tax-General Article §10-208 (q) allows a deduction for homeowner out of pocket expenses for installing the required nitrogen removal technologies. This tax reduction applies only to homeowners building new homes and not to developers. The Department is unable to predict what percentage of new homes would be constructed by homeowners eligible to take the tax deduction and therefore cannot predict the loss of tax revenue through this tax deduction.

Impacts to the issuing agency and the local approving authorities will be minimal as no additional staffing is needed to implement the proposal. MDE currently administers the State OSDS program primarily through delegation agreements with local approving authorities. MDE would establish a web-based reporting program for operation and maintenance of nitrogen-removal technologies for OSDS. This would require some manpower and up-front costs related to information technology but have minimal continuing expenses. Local approving authorities will be required to inspect the installation of nitrogen reducing technologies; however, these approving authorities already inspect the installation of all OSDS. Nutrient removal technology will be an additional component usually installed in place of a traditional septic tank. This should be possible without additional staff. Staff would be expected to receive the training necessary to understand how nitrogen-removal systems should be installed and maintained. There will be some cost associated with this training. The proposal will have a positive economic benefit for the business community and regulated industry and a negative economic impact on the regulated community.

II. Types of Economic Impact.

	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(E+)	Minimal
B. On other State agencies:	(E+)	Minimal
C. On local governments:	(E+)	Minimal

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups: Selling, installing, and maintaining new systems	(+)	Significant
E. On other industries or trade groups: Sales and installation of electrical and plumbing	(+)	Moderate
F. Direct and indirect effects on public: Purchasing, installing, and maintaining new systems	(+)	Significant

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

A. Under existing regulations, MDE’s Water Management Administration’s OSDS responsibilities include oversight of programs delegated to local approving authorities, technical assistance, and education. In addition, MDE evaluates best available

technologies to determine their suitability for use in Maryland. This proposal would expand MDE’s responsibility to include maintaining a system to ensure that nitrogen-removal systems are maintained for the life of the system. MDE would oversee the development of a web-based reporting system to track nitrogen-removal systems and develop a system to maximize compliance of operation and maintenance requirements. Emphasis will be developing a system with a relatively small up-front cost that would use little resources to maintain and operate. This can be accomplished with existing staff after the up-front development effort.

B. To the extent that State agencies may have facilities impacted by the requirements, see F below.

C. Local approving authorities issue permits for and inspect the installation of OSDS. Expanding the requirement for including nitrogen-removal technologies increases the complexity of these activities. While approving authorities already inspect all OSDS installations, the inspections would now have to include the nitrogen-removal technology. Staff would need additional training in order to complete this activity. To the extent that local agencies may have facilities impacted by the requirement, see Note F below.

D. The regulated industry includes vendors who sell nitrogen-removal technologies, installers of nitrogen-removal technology, and service providers who operate and maintain nitrogen-removal technologies. Under existing regulations we estimate approximately 900 nitrogen-reducing systems will be installed per year. The Department estimates a range from 2,000 to 8,000 new and replacement OSDS are installed each year that will need nitrogen-removal technology.

E. Installation of nitrogen-removal technology requires providing electricity and sometimes additional plumbing. Trades people and small businesses would benefit from the requirements of this proposal.

F. This proposal may result in an additional 5,000 nitrogen-removal systems installed per year. The average installation of nitrogen-removal technology costs approximately \$12,000, with electrical use running from \$31 to \$240 per year, and operation and maintenance after the first 5 years costs \$150 to \$300 per year. These costs will have to be borne by property owners.

Economic Impact on Small Businesses

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows.

Approximately 5,000 additional nitrogen-removal systems per year are estimated to be installed, resulting in \$60,000,000 per year of new sales.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Jay Prager, Deputy Program Administrator, MDE/Water Management Administration, 1800 Washington Boulevard, Baltimore MD 21230-1708, or call 410-537-3780 (TTY 1-800-735-225), or email to jprager@mde.state.md.us, or fax to (410) 537-3163. Comments will be accepted through July 15, 2012. A public hearing has not been scheduled.

.01 Definitions.

- A. (text unchanged)
- B. Terms Defined.

[(1) “Aerobic treatment” means a method which utilizes the principal of oxidation in the decomposition of sewage by introduction of air into the sewage or by surface adsorption of air for a sufficient length of time to effect treatment through aerobic bacterial action.]

[(2)] (1) — [(3)] (2) (text unchanged)

(3) “Best Available Technology for Removal of Nitrogen (BAT)” means a technology that has been approved by the Department as a best available technology for removing nitrogen from on-site sewage disposal systems.

(4) “Certified service provider” means an individual who is certified by the Department to perform operation and maintenance on BAT systems.

[(4)] (5)—[(36)] (37) (text unchanged)

[(37)] (38) “Sewage treatment unit” means a device designed and constructed to receive sewage and to provide treatment to reduce organic and inorganic matter and includes septic tanks, BAT, aerobic treatment units, or any other approved devices.

[(38)] (39)—[(46)] (47) (text unchanged)

.04 Site Evaluation Criteria.

A.—C. (text unchanged)

D. Approvals for lots in the Appalachian physiographic province of the State (see the map of “Maryland Physiographic Provinces and Their Divisions” in this chapter), where 4 feet of unsaturated, unconsolidated soil sufficient to attenuate effluent below the subsurface disposal system is not available, may require concurrent approval of the Department of the Environment at the discretion of the [Division of Residential Sanitation] *Water Management Administration*. Training and assistance by [the Division of Residential Sanitation] *Water Management Administration* personnel will be provided at the request of the Approving Authority. In limestone or dolomite areas of the Appalachian physiographic province, deviation from the 4-foot requirement may not be given for new development.

E.—K. (text unchanged)

.05 Design and Construction of Conventional On-Site Sewage Disposal Systems.

A.—D. (text unchanged)

E. Residential Septic Tank Criteria. [All on-site sewage disposal systems] *Septic tanks* serving a residential use, *not requiring a BAT system*, shall be sized in accordance with the following criteria and tables. This table provides for use of garbage disposal units, automatic clothes washers, and other household appliances.

(table unchanged)

F. (text unchanged)

G. Institutional Septic Tank Criteria. Minimum septic tank capacities for institutional or commercial installations, *not requiring a BAT system*, shall be calculated according to the following criteria:

(1) — (2) (text unchanged)

[H.] (proposed for repeal)

H. *Septic Tank Criteria. If an approved BAT system includes a septic tank, the septic tank shall be sized in accordance with the requirements of the manufacturer or designer of the BAT.*

I.—P. (text unchanged)

Q. Mound Systems.

(1)—(3) (text unchanged)

(4) Construction of mounds shall be in accordance with the following:

(a)—(c) (text unchanged)

(d) A two compartment septic tank or two tanks in series shall be used for pretreatment for all sand mounds *that do not require BAT*.

(e)—(q) (text unchanged)

(5)—(7) (text unchanged)

.06 Non-Conventional On-Site Sewage Disposal Systems.

A.—C. (text unchanged)

D. Submission of Proposals. All proposals shall be submitted concurrently to the local environmental health unit and the

Department of the Environment for review and approval. The applicant shall follow the following procedures:

(1) The county environmental health office may elect to perform the site evaluation themselves or to request the applicant to retain a professional consultant to prepare a hydrogeological report to demonstrate that the soil properties and ground water conditions at the proposed site will support the use of the proposed system. In either case, the site evaluation should be performed with the assistance of the [Residential Sanitation’s] *Water Management Administration’s* Regional Consultant of the Department of the Environment. The professional consultant retained by the applicant shall have adequate experience in examining soil properties and ground water, preferably in Maryland. Any available information on the effectiveness of the proposed system in use in similar settings should also be obtained. This information, as well as the hydrogeological report, should be submitted to both the local health department and the Department of the Environment.

(2) (text unchanged)

E.—H. (text unchanged)

.07 Best Available Technology for Removal of Nitrogen (BAT).

A. *A person may not install, or have installed, an on-site sewage disposal system unless the on-site sewage disposal system utilizes BAT for any of the following:*

(1) *New construction in either the Chesapeake Bay Watershed or the Atlantic Coastal Bays watershed;*

(2) *New construction in any watershed of a nitrogen-impaired body of water; or*

(3) *A replacement system to serve a property in either the Chesapeake Bay critical area or the Atlantic Coastal Bays critical area.*

B. *New construction includes those applications where a residence or other building is being altered and the Approving Authority determines that the existing OSDS is not adequate to serve the proposed altered building.*

C. *All new and existing BAT systems shall be maintained and operated for the life of the system through one of the following management measures:*

(1) *The Approving Authority or local government establishes a responsible management entity, acceptable to the Department, to assume operation and maintenance of BAT systems;*

(2) *The Approving Authority requires renewable operating permits that include enforcement provisions, inspections, and monitoring; or*

(3) *The property owner maintains a service contract with a certified service provider.*

D. *Operation and Maintenance of BAT Systems.*

(1) *A BAT system shall be operated by and maintained by a certified service provider.*

(2) *The owner shall ensure that each BAT system is inspected and has necessary operation and maintenance performed by a certified service provider at a minimum of once per year.*

(3) *The Department shall maintain a list of certified service providers.*

(4) *Individuals may become certified upon completion of a course of study on operation and maintenance of BAT systems approved by the Department. The course of study must include instruction on how BAT systems function as well as elements on operation, maintenance, and repair of BAT systems.*

(5) *Certification as a service provider for BAT systems may be revoked at any time by the Department for violation of these regulations.*

(6) *The certified service provider shall report on inspection, operation, and maintenance activities to the Department, or the Department’s designee, in a manner acceptable to the Department on*

a yearly basis prior to the yearly anniversary of the date of installation.

(7) The certified service provider must have a certificate of qualification from the manufacturer of the BAT system being serviced.

(8) A property owner may obtain certification as a service provider to maintain the property owner's system, subject to all the requirements of this regulation pertaining to operating and maintaining BAT systems. .

E. A person who has completed a course of study approved by the Department for the installation of BAT, and has a certification of qualification for installing BAT systems from the manufacturer, must be present on the property while a BAT unit is installed.

F. Within 1 month of the completion of an installation, a person installing a BAT system shall report to the Department, or the Department's designee, in a manner acceptable to the Department, the address and date of completion of the BAT installation and the type of BAT installed.

G. The owner of an on-site sewage disposal system with a design flow less than 1,500 gpd, requiring a BAT system under §A or B of this regulation, shall have installed:

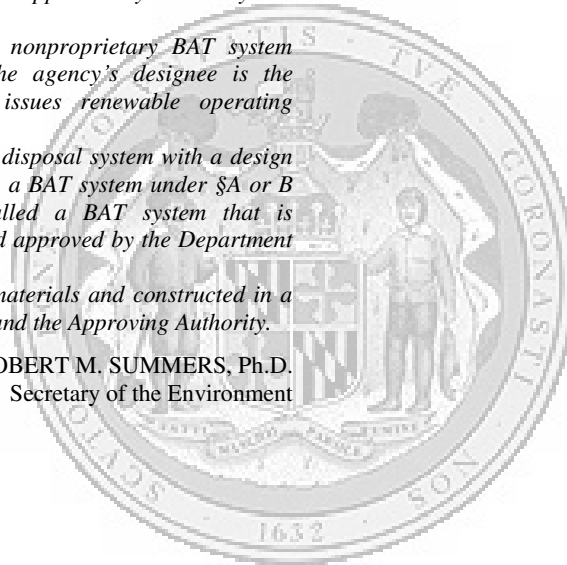
(1) A BAT system that has been approved by the Maryland Department of the Environment; or

(2) An individually engineered nonproprietary BAT system where a governmental agency or the agency's designee is the responsible management entity or issues renewable operating permits.

H. The owner of an on-site sewage disposal system with a design flow greater than 1,500 gpd, requiring a BAT system under §A or B of this regulation, shall have installed a BAT system that is individually engineered for the site and approved by the Department or the Department's designee.

I. All BAT units shall be made of materials and constructed in a manner acceptable to the Department and the Approving Authority.

ROBERT M. SUMMERS, Ph.D.
Secretary of the Environment



Special Documents

MARYLAND DEPARTMENT OF STATE POLICE

HANDGUN ROSTER BOARD

Proposed Additions to Handgun Roster and Notice of Right to Object or Petition

The following is a list of handguns that the Handgun Roster Board proposes to add to the official handgun roster. These handguns will be officially placed on the Handgun Roster if no timely objection is received or if all timely objections are dismissed.

<i>Manufacturer</i>	<i>Model Name</i>	<i>Model Number</i>	<i>Caliber</i>
Bersa	Thunder Pro 9		9mm
Chiappa Firearms	M9-22		.22 LR
Dan Wesson	Valor	1986, 1926	.45 ACP (Model Addition)
DiamondBack Firearms	DB-320		.32 NAA
FN Herstal	FNS-40		.40 S&W (Caliber Addition)
Freedom Arms	97	1997	.327 Fed Mag (Caliber Addition)
Glock	32 Gen 4		.357 Sig
Guncrafter Industries	Model #1		50 GI
Kimber	Ultra Covert II	3200167	.45 ACP
Rossi (Braztech)	P410221	P410221	.22LR/.45LC/.410GA
Smith & Wesson	M&P40 Shield		40 S&W
Smith & Wesson	438	438	.38 Spl.
Smith & Wesson	M&P 9 Shield		9mm
Sturm Ruger	22/45 Lite	3900	.22 LR
Sturm Ruger	GP-100 (DA)	1752 (Hawkeye Finish)	.357 Mag

Under the Public Safety Article, §5-405, Annotated Code of Maryland and COMAR 29.03.03.13 and .14, any person may object to the placement of any of those handguns on the Handgun Roster. Objections must be filed within 30 days after **June 1, 2012**. In addition, any person may petition for the placement of an additional handgun on the Handgun Roster. Forms for objections or petitions may be obtained from: Marlene Jenkins, Administrator, Handgun Roster Board, 1201 Reisterstown Road, Pikesville, Maryland 21208.

COMMISSIONER OF LAND PATENTS

WARRANT NO. 100 OPINION AND FINDINGS

In the Matter of the Application for a Land Patent by the Baltimore Area Council, Boy Scouts of America

The ownership of private property is at the heart of the American Dream. From the very beginnings of the United States the right to own and defend private property has been asserted, cultivated, and enthroned in the constitutional and statutory laws of the country. It is also at the heart of the Great American Tragedy, slavery, which was ultimately embedded in Federal Law through the 1850 Fugitive Slave Act that firmly asserted slaves as protected personal property, and was only uprooted Constitutionally in December 1865 with the adoption of the 13th Amendment, after the national trauma of a bloody Civil War, the consequences of which still haunt us as a nation.¹

In this application for the rights to 19.014 acres of Harford County land lying 'vacant,' meaning never granted to a private party under conditions of ownership that reach back to the founding of Maryland, the Boy Scouts of America, Baltimore Area Council, have upheld the tradition so central to the best of the American Dream, establishing their rightful possession of this land, that, because of the failure of the person who first identified it to follow through in legally acquiring it, lay overlooked and unowned for over 200 years. Any one of the surrounding landowners of that 'vacant' land who happened to have their own property surveyed over those years, simply assumed that what proved to be 'vacant' was owned by the successors in title to the person who first thought about claiming it. The issue was never followed through until the Boy Scouts and those assisting them began questioning their right to possess and use the land, for which they could find no title, for various purposes, including camping.

They are to be commended for the care and thoroughness with which they pursued establishing ownership of this 'vacant' land, and I hope will take it upon themselves to also help document the history and the lives of those who held the neighboring properties as a part of their efforts to enrich the stories of both the bright and the dark side of the evolving American Dream.

For example, Harford County had its share of slaves and free blacks in a state that legalized slavery until November 1864. In the 1814 raid of the British on Bush River during America's second war for independence, four of Aquila Nelson's slaves fled to the British frigate *Menelaus* on the promise of freedom, led the British back to wreak havoc on the property of Bush River residents, and taking the schooner *Fox* as a prize. The four men possibly went on to join the British Marines, accompanying those who fought with the British at the Battle of North Point and the Battle of New Orleans. By the time of the Civil War, the county's slave population had declined to about 1,800, while the free black population was about 3,644. There were at least 168 black men who claimed to have been born in Harford

¹ One of the best introductions to the Fugitive Slave Act and its consequences is Don E. Fehrenbacher, *The Dred Scott Case, Its Significance in American Law & Politics* (New York: Oxford University Press, 1978). Chief Justice Taney in *Ableman v. Booth*, 1859, upheld the constitutionality of the Fugitive Slave Law. *Ibid.*, p.453. For the ratification of the 13th Amendment see: http://en.wikipedia.org/wiki/Thirteenth_Amendment_to_the_United_States_Constitution. Maryland was the fourth to ratify in February 1865 during an unannounced and [unheralded visit of President Lincoln](#).

County who joined the United States Colored Troops during the American Civil War, fighting to extricate the concept of human beings as private property from the laws of the land. One such veteran was William Watson from nearby Dublin who joined the famed 54th Massachusetts. Another was a Lewis Stump, perhaps associated with the Stumps who lost property in the 1814 raid by the British. One of the neighbors to the vacant land was slave owner Eliza Chase Coale, the daughter of one of Maryland's signers of the

Declaration of Independence, a slave owner himself. It is known where Eliza is buried on her estate, Westwood, in Harford County, but not her slaves, although the slave quarters have been documented. Nor do we yet know much about those former slaves and free blacks who were Harford County natives who fought with the Union for their freedom, possibly including the slaves and their descendants claimed by Aquila Nelson, Eliza Coale and their descendants.



In researching the surrounding ownership of the vacant land, the Boy Scouts have brought themselves close to the Great American Tragedy, and have an opportunity now to help tell the stories of the lives of those affected by it, both black and white, contributing to the necessary healing process so essential to the definition of the modern American character. I would encourage them to do so, working with the Maryland State Archives as it continues to document the lives of all Marylanders, slave and free (see <http://mdslavery.net>). [The map above](#) is but one example of how the fragmentary sources related to the lives of free and slave can be brought together on the ancient maps of the county through such free dynamic mapping resources as Google Earth. In this case the active map can be accessed from the biographies of all those shown on the map and accessed through footnote 2 of this opinion.

As to the vacant land addressed here, the State Archivist is directly involved in determining ownership to vacant land for two reasons. Apart from his legal and constitutional obligation to preserve and provide access to the permanent records of the State that document property ownership, the Archivist of Maryland is also the Commissioner of Land Patents. The Commissioner of Land Patents

derives his responsibilities by Charter and statute from the original land grant to Cecil Calvert, second Lord Baltimore, to all of what is today, Maryland. He established the land grant policies that the State of Maryland took over in 1776. Original grants of land to private individuals were, and still are, called land patents. They are the starting point for all land titles in Maryland, followed by deeds, mortgages, and other means of title transfer that we document in <http://mdlandrec.net>. If any piece of property cannot be traced back to an original land grant (Patent), there is a possibility that there never was a land grant and that it is available for the giving by the State (at a price, of course, related to the current value of the land). The Commissioner of Land Patents is charged with determining whether the claim for the land is valid, and if so, recommends its granting to the applicant by the State, the final step of which is approval by the Board of Public Works and a land grant signed by the Governor. Any proceeds from the transfer of the land from State ownership to the Boy Scouts will be used, as provided for in law, to further the research and writing goals of the Maryland State Archives, including the employment of interns on the Legacy of Slavery (<http://mdslavery.net>) project.

To put it more formally, in my capacity as Commissioner of Land Patents, it is my responsibility to determine if, on application, a private party or an agent of the State has discovered land in Maryland that has never been legally granted to anyone. All titles to land in Maryland must be traceable to an original land grant (Patent). For a discussion of what constitutes a patent and the historical context for granting of land see [John Kilty, *Land Holder's Assistant and Land Office Guide* \(Baltimore: G. Dobbin & Murphy, 1808\)](#) available at <http://www.aomol.net>. If vacant land is discovered by a private party, it may then either be purchased from the State by the discoverer at the current fair market value of the land minus certain expenses permitted by law, or it may, under certain circumstances, be reserved by the State for public purposes. It is the intent of the laws of Maryland relating to discovery of vacant land to insure that either such land be added to the tax rolls expeditiously, or that it be designated among the land records as reserved for public purposes, with the State reimbursing any private discoverer for any reasonable costs incurred in identifying the land as vacant. Only in certain clearly defined situations may the State intervene to reserve the land for public purposes, with the burden of providing the rationale for such intervention falling primarily upon the State Department of Natural Resources.

The land patent process is governed by Real Property Article, Title 13, Annotated Code of Maryland (2010 Repl. Vol., 2011 Supp.). On the fifth day of April, 2011, the Commissioner of Land Patents accepted an application for a warrant to survey allegedly vacant land in the 5th Election District, Harford County, from the Baltimore Area Council, Boy Scouts of America. A warrant to survey vacant land was issued to Frank Sheppard Richardson, Professional Land Surveyor, and notice to all adjoining property owners and others entitled to notice was given, and all necessary publications of notice were made. On twenty-first day of November, 2011, Frank Sheppard Richardson, Professional Land Surveyor, filed a [certificate of survey, plat](#), and metes and bounds description for Warrant No. 100 with the Commissioner. The allegedly vacant land consists of a parcel of land encompassing approximately 19.014 acres, more or less. The actual fair market value of the land encompassed by the survey was determined by the Harford County Supervisor of Assessments.

As required by law and after proper notice, a public hearing was held on March 28, 2012 at 9:00 a.m. at the Edward C. Papenfuse State Archives Building, 350 Rowe Boulevard, Annapolis, Maryland 21401. Present at the hearing were Dr. Edward C. Papenfuse, Commissioner of Land Patents; Richard H. Richardson, Deputy Commissioner; Jennifer Hafner, Deputy Commissioner Designate; Bonnie Kirkland, Assistant Attorney General; the applicant's attorney, Philip J. Kotschenreuther and the applicant's surveyor, Frank Sheppard Richardson; the applicant's title searcher, Philip D. Kilby; and several witnesses for the applicant. The Commissioner explained the purpose and procedure of the hearing and persons who proposed to testify were duly sworn.

The basic issues to be decided in the matter of Warrant No. 100 are: does vacant land as defined in Real Property Article, Title 13, Annotated Code of Maryland exist; and if it exists, where does it lie and what are its boundary lines (metes and bounds); and what is its fair market value as determined by Real Property Article, §13-313?

The documentary evidence on the record and the testimony of the applicant's surveyor and title searcher established to the satisfaction of the Commissioner that a vacancy exists as shown on the survey plat and as described in the metes and bounds certificate. The preponderance of the evidence submitted by the applicant and the testimony of the applicant's surveyor and title searcher leave no doubt that the vacancy exists. The history of the early patenting process as described in considerable detail by [John Kilty, *Land Holder's Assistant and Land Office Guide* \(Baltimore: G. Dobbin & Murphy, 1808\)](#), available at <http://www.aomol.net>, is in part, one of

reworking and refining existing patents to eliminate vacancies that occurred between and within patents because of inadequate surveying. The original surveys surrounding the vacancy were progressively intended to eliminate all vacancies between them, but in fact did not. However, the adequacy or inadequacy of the survey or surveyor is not the issue. What is important is the configuration of the surrounding patented property and subsequent subdivision as it exists on the ground and is historically delineated. In his testimony, the applicant's surveyor successfully placed the vacancy on the ground and on the survey plat in relation to the lines and angles as defined by patented tracts and as documented by evidence found in the field for subsequent surveys.

The key elements in establishing the location and metes and bounds of the vacancy are lines 14, 15, and 16 of *Prospect*, surveyed 1797 and patented in 1798; and lines 13 through 16 of *Reeses Enlargement*, surveyed 1787 and patented in 1819. The surveyor found historical evidence of lines 14, 15 and 16 of *Prospect* on the ground and cited in the original patented survey as well as subsequent deed descriptions. The survey plat submitted with this application identified lines 14, 15, and 16 of *Prospect* as lines 1, 2 and 3 of the vacancy. In addition, the survey plat identified lines 13, 14, 15 and 16 of *Reeses Enlargement* as lines 4, 5, 6 and 7 of the vacancy. Subsequent deed and plat descriptions throughout the nineteenth and twentieth centuries support the location and metes and bounds description of the vacancy as shown by the applicant's surveyor.

The vacancy as shown on the survey plat and described in the metes and bounds description certificate in general follows the lines of an unpatented certificate of survey, LAND OFFICE (Certificates, Unpatented, HA) 370, "Partnership Dissolved," surveyed in 1804. The applicant and the Commissioner could find no evidence that this survey was ever patented. A reasonable explanation for this is that several of the lines in this unpatented survey ran into elder patented surveys and because of this fact, the applicant abandoned the proceedings.

The applicant's claim and the surveyor's placement of the vacancy on the ground and on the survey plat do not take any land from any other adjoining patented property. In order to place the vacancy ground, the applicant's surveyor determined the location of all the relevant patented tracts based on the original patents, nineteenth century stone monuments found in the field, and subsequent evolution of property lines as defined by deeds.

The applicant submitted a title search and followed the evolution of each relevant property line from the original patents through subsequent deeds, surveys, and equity court cases to the present. The Commissioner's independent title search confirmed all of the applicant's assertions related to their title search and the relevant property lines through time. Therefore, based upon the documentary evidence submitted by the applicant and the testimony by the applicant's surveyor and title searcher at the public hearing, the Commissioner finds that a vacancy exists in the location described in the survey plat and as described in the metes and bounds certificate in this proceeding.

Although the Department of Natural Resources was given ample opportunity to determine whether the vacant land in question was needed for public purposes, the Department concluded that it was not, in a [letter addressed to the Commissioner](#) dated January 12, 2012.

With respect to the valuation of the subject land, the Harford County Supervisor of Assessments assessors' joint determination of the fair market value of the land-in-question is \$57,000.00. The assessors provided an explanation for their determination: that the minimal improvements on the land added little or no value; all of the surrounding land owned by the Baltimore Area Council, Boy Scouts of America has special exception and non-conforming status as part of a camp and even if it could be developed or subdivided, doing so would cause the loss of the special exception and non-conforming

status as a camp; and the topography the land is very steep, the vacancy is land-locked and rural.

Because the question of determining the fair market value of the subject land lies outside the expertise of the Commissioner, he must, under Real Property Article, §13-313(b) rely on the expertise of two assessors of the Harford County Supervisor of Assessments to determine the fair market value of the subject land and under Real Property Article, §13-313(c)(2) allow the applicant to present evidence that the fair market value of the land is less than established under Real Property Article, §13-313(b). The Commissioner has some discretion in determining the proper fair market value of the land. Real Property Article, §13-313(c)(2) states, in part, that the Commissioner shall set the purchase price for the vacant land at any amount, not exceeding that established under Real Property Article, §13-313(b), which the Commissioner, based on the endorsed duplicate certificate and statements of the assessors and any other satisfactory evidence presented in the matter, determines to be the proper fair market value of the land. The applicant presented no evidence either at the public hearing or in the 15 day period following the hearing for submitting his account of expenses that the assessed value of the land is less than that established by the Harford County Supervisor of Assessment.

The Commissioner, after careful review of all the evidence accepts the Harford County Supervisor of Assessments assessors' joint determination of the fair market value of \$57,000.00 less the expenses of the surveyor in the amount of \$9,980.00, reasonable attorney's fees in the amount of \$8,903.16 and costs charged by the Commissioner in the amount of \$1,305.75 for a purchase price of \$36,811.09.

All documentation, including the specific references cited herein, related to the Commissioner's decision is available for review from the Maryland State Archives web site: <http://www.ecpcliio.net/>, user name: *warrant*, password: *100*.

CONCLUSIONS OF THE LAW

Based upon the record and the testimony presented, the Commissioner concludes that the land embraced by the application is vacant land within the meaning of the statute and that a patent may properly issue. The purchase price of the subject land is \$36,811.09 as determined in accordance with Real Property Article, §13-313(c).

Accordingly, the Commissioner, upon payment of the purchase price and all other outstanding costs, if any, shall cause a patent to the subject land to be prepared and shall forward same, together with such portions of the record as he may deem appropriate, to the Board of Public Works for its review.

ORDER

It is, therefore, this 9th day of May, 2012, by the Commissioner of Land Patents, State of Maryland

ORDERED, That upon approval of the Board of Public Works, a patent signed by the Governor and embossed with the Great Seal of Maryland, be issued to the Baltimore Area Council, Boy Scouts of America for the land encompassed in Warrant No. 100.

Edward C. Papenfuse
Commissioner of Land Patents

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.

BOARD OF AUDIOLOGISTS, HEARING AID DISPENSERS, AND SPEECH-LANGUAGE PATHOLOGISTS

Subject: Public Meeting
Date and Time: June 21, 2012, 4 — 6 p.m.
Place: Metro Executive Bldg., 4201 Patterson Ave., Baltimore, MD
Contact: Christopher Kelter (410) 764-4725

[12-11-01]

ADVISORY COUNCIL ON CEMETERY OPERATIONS

Subject: Public Meeting
Date and Time: June 28, 2012, 10 a.m. — 1 p.m.
Place: Dept. of Labor, Licensing, and Regulation, 500 N. Calvert St., 2nd Fl. Conf. Rm., Baltimore, MD
Contact: Marilyn Harris-Davis (410) 230-6229

[12-11-15]

BOARD OF CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS

Subject: Public Meeting
Date and Time: June 14, 2012, 10 a.m. — 1 p.m.
Place: Dept. of Health and Mental Hygiene, 4201 Patterson Ave., Rm. 108/109, Baltimore, MD
Contact: Maria Ware (410) 764-5902

[12-11-50]

BOARD OF COSMETOLOGISTS

Subject: Public Meeting
Date and Time: July 2, 2012, 9:30 a.m. — 4:30 p.m.
Place: 500 N. Calvert St., 2nd Fl., Baltimore, MD
Add'l. Info: Centre St. Entrance
Contact: Robert Wood (410) 230-6190

[12-11-13]

CRIMINAL JUSTICE INFORMATION ADVISORY BOARD

Subject: Public Meeting
Date and Time: June 18, 2012, 1 — 3 p.m.
Place: Judiciary Education and Training Center, 2009 D Commerce Park Rd., Rms. 1 and 2, Annapolis, MD
Contact: Robyn Lyles (410) 585-3185

[12-11-42]

COMMISSION ON CRIMINAL SENTENCING POLICY

Subject: Public Meeting
Date and Time: June 25, 2012, 5:30 — 7:30 p.m.
Place: Judiciary Education and Conference Center, 2009 Commerce Park Dr., Annapolis, MD
Contact: David Soule (301) 403-4165

[12-11-18]

MARYLAND STATE BOARD OF EDUCATION

Subject: Public Meeting
Date and Time: June 26, 2012, 9 a.m. — 4:30 p.m.; June 27, 2012, 9 a.m. — 12 p.m. (tentative)
Place: 200 W. Baltimore St., Baltimore, MD
Add'l. Info: The State Board of Education is pleased to receive oral public comment at each of its regular monthly meetings. In order to allow the State Board sufficient time for its other business, the total time allotted to public comment will generally be limited to 30 minutes. Individuals seeking to speak to the Board will be given 3 minutes each. Persons desiring to speak to the State Board must call (410-767-0467) or e-mail (cnecessary@msde.state.md.us) the Board office no earlier than 1 week prior to the meeting to register to speak. Registration will be accepted on a first-come, first-served basis. In order to make the limited time available most effective, speakers are urged to provide multiple written copies of their comments or other material amplifying their views.
Contact: Charlene L. Necessary (410) 767-0467

[12-11-10]

ELEVATOR SAFETY REVIEW BOARD

Subject: Public Meeting
Date and Time: June 22, 2012, 10 a.m. — 12 p.m.
Place: 500 N. Calvert St., 2nd Fl. Conf. Rm., Baltimore, MD
Contact: Raquel M. Meyers (410) 230-6379

[12-11-09]

EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL

Subject: Public Meeting
Date and Time: June 7, 2012, 1 — 3 p.m.
Place: 653 W. Pratt St., Baltimore, MD
Add'l. Info: The State Emergency Medical Services Advisory Council (SEMSAC) meets regularly on the 1st Thursday of each month.
Contact: Leandra Gilliam (410) 706-4449

[12-11-35]

EMERGENCY MEDICAL SERVICES BOARD

Subject: Public Meeting
Date and Time: June 12, 2012, 9 — 11 a.m.; part of the meeting may include a closed session
Place: 653 W. Pratt St., Ste. 212, Baltimore, MD
Add'l. Info: The State Emergency Medical Services Board (EMS Board) meets regularly on the 2nd Tuesday of each month.
Contact: Leandra Gilliam (410) 706-4449

[12-11-34]

MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS (MIEMSS)

Subject: Listing of Trauma Centers Requesting Reverification of Status and Call for Applications from Those Wishing to Be Considered for Designation
Place: MIEMSS, Office of Hospital Programs, 653 W. Pratt Street, Baltimore, MD
Add'l. Info: Pursuant to COMAR 30.08.02.10C, the Maryland Institute for Emergency Medical Services Systems gives notice that the following hospitals have requested reverification as Trauma Centers: R Adams Cowley Shock Trauma Center, Western Maryland Health System, Suburban Hospital, Prince George's Hospital Center, Johns Hopkins Hospital, Union Memorial Hospital Curtis National Hand Center, Sinai Hospital, Peninsula Regional Medical Center, Meritus Medical Center, and Johns Hopkins Bayview Medical Center. Any person with knowledge of any reason why any of the above-listed hospitals should not be reverified and redesignated is requested to

submit a written statement of the reason to MIEMSS by July 2, 2012.

In addition, pursuant to COMAR 30.08.02.03C, hospitals who are not designated but who wish to be considered for designation as Trauma Centers should submit a written letter of intent to the office listed above. Letters of intent are due to MIEMSS by August 14, 2012. For more information contact Carole Mays, Director, Trauma & Injury Specialty Care Program, at (410) 706-3932 or email cmays@miemss.org.

Contact: Leandra Gilliam (410) 706-4449
[12-11-28]

MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS (MIEMSS)

Subject: Listing of Primary Stroke Center Requesting Reverification of Status and Call for Applications from Those Wishing to Be Considered for Designation

Place: MIEMSS, Office of Hospital Programs, Baltimore, MD

Add'l. Info: Pursuant to COMAR 30.08.02C, the Maryland Institute for Emergency Medical Services Systems gives notice that the following hospitals have requested reverification as Primary Stroke Centers: Calvert Memorial Hospital, Civista Medical Center, Howard County General Hospital, and Shady Grove Adventist Hospital. Any person with knowledge of any reason why any of the above-listed hospitals should not be reverified and redesignated is requested to submit a written statement of the reason to MIEMSS by July 2, 2012.

In addition, pursuant to COMAR 30.08.02.03C, hospitals who are not designated but who wish to be considered for designation as Primary Stroke Centers should submit a written letter of intent to the office listed above. Letters of intent are due to MIEMSS by August 14, 2012. For more information, contact Anna Aycock, Chief, Division of Health Facilities & Special Programs, at (410) 706-3930 or email aaycock@miemss.org.

Contact: Leandra Gilliam (410) 706-4449
[12-11-29]

MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS (MIEMSS)

Subject: Call for Applications from Those Wishing to Be Considered for Comprehensive Stroke Center Designation

Place: MIEMSS, Office of Hospital Programs, 653 W. Pratt St., Baltimore, MD

Add'l. Info: Pursuant to COMAR 30.08.02.03C, hospitals who are not

designated but who wish to be considered for designation as Comprehensive Stroke Centers should submit a written letter of intent to the office listed above. Letters of intent are due to MIEMSS by August 1, 2012. For more information contact Anna Aycock, Chief, Division of Health Facilities & Special Programs, at (410) 706-3930 or email aaycock@miemss.org.

Contact: Leandra Gilliam (410) 706-4449
[12-11-33]

BOARD OF ENVIRONMENTAL SANITARIANS

Subject: Public Meeting

Date and Time: July 11, 2012, 10 a.m. — 4:30 p.m.

Place: Howard Co. Bureau of Utilities, Columbia, MD

Add'l. Info: A portion of this meeting may be held in closed session.

Contact: Pat Kratochvil (410) 537-3597
[12-11-06]

FIRE PREVENTION COMMISSION

Subject: Public Meeting

Date and Time: June 19, 2012, 12:30 p.m.

Place: Roland E. Powell Convention Center, 4001 Coastal Hwy., Rm. M201, Ocean City, MD

Contact: Heidi Ritchie (877) 890-0199
[12-11-21]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE/MARYLAND BOARD OF PHYSICIANS

Subject: Public Meeting

Date and Time: June 27, 2012, 9 — 10 a.m.

Place: 4201 Patterson Ave., Rms. 108/109, Baltimore, MD

Add'l. Info: Appropriate auxiliary aid services provided for qualified individuals upon request. Call Ellen D. Smith at (410) 764-4769.

Contact: Tammy Austin (410) 764-4769
[12-11-12]

BOARD OF HEATING, VENTILATION, AIR- CONDITIONING, AND REFRIGERATION CONTRACTORS (HVACR)

Subject: Public Meeting

Date and Time: June 13, 2012, 9:30 a.m. — 12 p.m.

Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD

Contact: Steve Smitson (410) 230-6169
[12-11-07]

DEPARTMENT OF HUMAN RESOURCES

Subject: Public Hearing

Date and Time: June 11, 2012, 10 a.m. — 12 p.m.

Place: Howard Co. Gateway Bldg., 6751 Columbia Gateway Dr., 1st Fl., Classroom 3, Columbia, MD

Add'l. Info: A public hearing will be held to solicit comments for the Low-Income Home Energy Assistance Program (LIHEAP) State Plan that will be submitted to the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Community Services, Division of Energy Assistance. Written comments regarding the Plan must be submitted no later than 4 p.m., June 20, 2012, to Ralph Marcus, Director, Office of Home Energy Programs, located at the Department of Human Resources, Family Investment Administration, 311 W. Saratoga Street, Baltimore, MD 21201.

Contact: Phillis Watson (410) 767-7137
[12-11-19]

DEPARTMENT OF HUMAN RESOURCES

Subject: Public Hearing

Date and Time: June 13, 2012, 10 a.m. — 12 p.m.

Place: Dorchester Co. Dept. of Social Services, 627 Race St., Cambridge, MD

Add'l. Info: A public hearing will be held to solicit comments for the Low-Income Home Energy Assistance Program (LIHEAP) State Plan that will be submitted to the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Community Services, Division of Energy Assistance. Written comments regarding the Plan must be submitted no later than 4 p.m., June 20, 2012, to Ralph Markus, Director, Office of Home Energy Programs, located at the Department of Human Resources, Family Investment Administration, 311 W. Saratoga Street, Baltimore, MD 21201.

Contact: Bernadette Barron (410) 901-4105

[12-11-20]

MARYLAND STATEWIDE INDEPENDENT LIVING COUNCIL

Subject: Public Meeting

Date and Time: June 22, 2012, 12 — 3 p.m.; Additional Meetings: August 17, October 19, and December 7, 2012, 12 — 3 p.m.

GENERAL NOTICES

730

Place: Workforce and Technology Center, 2301 Argonne Dr., Rm. T-130, Baltimore, MD
Contact: Tonya Gilchrist (410) 554-5412
[12-11-17]

DIVISION OF LABOR AND INDUSTRY/AMUSEMENT RIDE SAFETY ADVISORY BOARD

Subject: Public Meeting
Date and Time: June 22, 2012, 10 a.m.
Place: Howard Johnson Oceanfront Plaza Hotel on the Boardwalk, 12th St. and 1109 Atlantic Ave., Ocean City, MD
Add'l. Info: The Board is scheduled to meet to discuss issues relating to amusement ride safety and may consider regulations relating to inflatables. Interested persons should call the contact person to confirm the meeting.
Contact: Debbie Stone (410) 767-2225
[12-11-44]

DIVISION OF LABOR AND INDUSTRY/BOARD OF BOILER RULES

Subject: Public Meeting
Date and Time: June 19, 2012, 8 a.m.
Place: 10946 Golden West Dr., Ste. 160, , Hunt Valley, MD
Add'l. Info: The Board of Boiler Rules will meet to discuss issues relating to boiler and pressure vessel safety.
Contact: Debbie Stone (410) 767-2225
[12-11-45]

BOARD OF EXAMINERS OF LANDSCAPE ARCHITECTS

Subject: Public Meeting
Date and Time: June 14, 2012, 9 a.m.
Place: 500 N. Calvert St., 2nd Fl. Conf. Rm., Baltimore, MD
Add'l. Info: After regular business, the Board will host a public forum to hear comments from the public on potential legislative initiatives including firm permits, elimination of exam reviews, and elimination or modification of nonacademic licensure path.
Contact: Pamela J. Edwards (410) 230-6262
[12-11-39]

BOARD OF EXAMINERS OF LANDSCAPE ARCHITECTS

Subject: Public Meeting
Date and Time: June 18, 2012, 1:30 p.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Pamela J. Edwards (410) 230-6262
[12-11-40]

WORKGROUP ON LEAD LIABILITY PROTECTION FOR RENTAL PROPERTY

Subject: Public Meeting
Date and Time: June 19, 2012, 10 a.m.
Place: House Office Bldg., 6 Bladen St., Rm. 230, Annapolis, MD
Add'l. Info: First Meeting of the Workgroup on Lead Liability Protection for Rental Property
Contact: Tinna Damaso Quigley, Maryland Insurance Administration, (410) 468-2202
[12-11-49]

MARYLAND STATE LOTTERY COMMISSION

Subject: Public Meeting
Date and Time: June 21, 2012, 10 a.m. — 12 p.m.
Place: Montgomery Park Business Center, 1800 Washington Blvd., Ste. 330, Baltimore, MD
Contact: Marie A. Tososino (410) 230-8790
[12-11-46]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting
Date and Time: June 21, 2012, 1 p.m.
Place: Maryland Health Care Commission, 4160 Patterson Ave., Conf. Rm. 100, Baltimore, MD
Contact: Valerie Wooding (410) 764-3460
[12-11-14]

MARYLAND PUBLIC BROADCASTING COMMISSION

Subject: Public Meeting
Date and Time: June 13, 2012, 7 p.m.
Place: World Trade Center, Baltimore, MD
Contact: Sharon Abernathy (410) 581-4141
[12-11-31]

MINORITY BUSINESS ENTERPRISE ADVISORY COMMITTEE

Subject: Public Meeting
Date and Time: June 6, 2012, 8:30 a.m. — 5 p.m.
Place: Harry R. Hughes Dept. of Transportation Bldg., 7201 Corporate Center Dr., Hanover, MD
Contact: Pam Gregory (410) 865-1253
[12-11-02]

BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

Subject: Public Meeting
Date and Time: June 20, 2012, 9:30 a.m.
Place: 4201 Patterson Ave., Rm. 109, Baltimore, MD
Contact: Patricia A. Hannigan (410) 764-4750
[12-11-30]

BOARD OF PILOTS

Subject: Public Meeting
Date and Time: June 8, 2012, 10:30 a.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Pamela J. Edwards (410) 230-6262
[12-11-41]

BOARD OF PLUMBING

Subject: Public Meeting
Date and Time: June 21, 2012, 10 a.m. — 12:30 p.m.
Place: 500 N. Calvert St., Baltimore, MD
Contact: Brenda Clark (410) 230-6164
[12-11-08]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting
Date and Time: June 14, 2012, 1 p.m.
Place: 4201 Patterson Ave., Rm. 110, Baltimore, MD
Contact: Sheri Henderson (410) 764-4785
[12-11-22]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting
Date and Time: July 12, 2012, 1 p.m.
Place: 4201 Patterson Ave. Rm. 110, Baltimore, MD
Contact: Sheri Henderson (410) 764-4785
[12-11-23]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting
Date and Time: September 13, 2012, 1 p.m.
Place: 4201 Patterson Ave., Rm. 110, Baltimore, MD
Contact: Sheri Henderson (410) 764-4785
[12-11-24]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting
Date and Time: October 11, 2012, 1 p.m.
Place: 4201 Patterson Ave., Rm. 110, Baltimore, MD
Contact: Sheri Henderson (410) 764-4785
 [12-11-25]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting
Date and Time: November 8, 2012, 1 p.m.
Place: 4201 Patterson Ave., Rm. 110, Baltimore, MD
Contact: Sheri Henderson (410) 764-4785
 [12-11-26]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting
Date and Time: December 13, 2012, 1 p.m.
Place: 4201 Patterson Ave., Rm. 110, Baltimore, MD
Contact: Sheri Henderson (410) 764-4785
 [12-11-27]

RETIREMENT AND PENSION SYSTEM — BOARD OF TRUSTEES

Subject: Public Meeting
Date and Time: June 19, 2012, 9 a.m.
Place: SunTrust Bldg., 120 E. Baltimore St., 16th Fl. Board Rm., Baltimore, MD
Add'l. Info: Meeting date and location are subject to change. Anyone interested in attending should contact the Retirement Agency for confirmation. Please note, the meeting may include a closed session. Sign language interpreters and/ or appropriate accommodations for qualified individuals with disabilities will be provided upon request. Please call 410-625-5609 or 1-800-735-2258 TTY.
Contact: Patrice Sowah (410) 625-5609
 [12-11-04]

BOARD OF SOCIAL WORK EXAMINERS

Subject: Public Hearing
Date and Time: June 8, 2012, 11 a.m. — 3 p.m.
Place: 4201 Patterson Ave., Rm. 109, Baltimore, MD
Add'l. Info: The Board may discuss/vote on proposed regulations. A portion of the meeting may be held in closed session.
Contact: James T. Merrow (410) 764-4788
 [12-11-16]

STATE BOARD OF INDIVIDUAL TAX PREPARERS

Subject: Public Meeting
Date and Time: June 25, 2012, 1 — 5 p.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Douglas Blackstone (410) 230-6244
 [12-11-38]

MARYLAND TRANSPORTATION AUTHORITY

Subject: Public Meeting
Date and Time: June 28, 2012, 9 — 11 a.m.
Place: Maryland Transportation Authority, Point Breeze Complex, 2310 Broening Hwy., Ste. 160, Baltimore, MD
Add'l. Info: A portion of this meeting may be held in closed session.
Contact: Shirley Hill (410) 537-1002
 [12-11-03]

BOARD OF WELL DRILLERS

Subject: Public Meeting
Date and Time: June 27, 2012, 9 a.m. — 4:30 p.m.
Place: MDE, 1800 Washington Blvd., Terra Conf. Rm., Baltimore, MD
Add'l. Info: A portion of this meeting may be held in closed session.
Contact: Willie Everett (410) 537-3644
 [12-11-05]

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- 03 Health Statistics
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- #### Volume 2 and Volume 3
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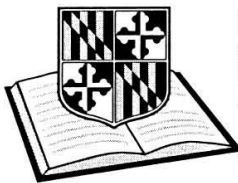
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