

- (b) *Documentation of the client's:*
 - (i) *Date of birth; and*
 - (ii) *Home address; or*
 - (c) *Except for registered massage therapists, an insurance, Medicaid, or Medicare card;*
 - (2) *For an initial client encounter, disclose the telehealth practitioner's:*
 - (a) *Name;*
 - (b) *Maryland license or registration number; and*
 - (c) *Contact information;*
 - (3) *Obtain oral or written consent from a client or client's parent or guardian if State law requires the consent of a parent or guardian, including informing clients of the risks, benefits, and side effects of the recommended health care services;*
 - (4) *Securely collect and transmit a client's medical health information, clinical data, clinical images, laboratory results, and self-reported medical health and clinical history, as necessary, and prevent access to data by unauthorized persons through encryption or other means;*
 - (5) *Notify clients in the event of a data breach;*
 - (6) *Ensure that the telehealth practitioner provides a secure and private telehealth connection that complies with federal and state privacy laws; and*
 - (7) *Establish safety protocols to be used in the case of an emergency, including contact information for emergency services at the client's location.*
- B. Except when providing asynchronous telehealth services, a telehealth practitioner shall:*
- (1) *Obtain or confirm an alternative method of contacting the client in case of a technological failure;*
 - (2) *Confirm whether the client is in Maryland and identify the specific practice setting in which the client is located; and*
 - (3) *Identify all individuals present at each location and confirm they are allowed to hear the client's health information.*
- C. A telehealth practitioner shall be held to the same standards of practice and documentation as those applicable for in-person massage therapy practice appointments.*

.05 Client Evaluation.

- A. A telehealth practitioner shall:*
- (1) *Perform a synchronous or asynchronous clinical client evaluation that is appropriate for the client and the condition with which the client presents before providing health care services through telehealth; and*
 - (2) *If clinically appropriate for the client, provide or refer a client to:*
 - (a) *In-person treatment; or*
 - (b) *Another type of telehealth service.*
- B. A telehealth practitioner may not treat a client based solely on an online questionnaire.*

.06 Telehealth Practitioner Discipline.

- A. The Board shall use the same standards of evaluating and investigating a complaint about and in disciplining a telehealth practitioner who practices telehealth as it would use for a licensee or registrant who does not use telehealth technology in the licensee's or registrant's practice.*
- B. The failure of a telehealth practitioner to comply with this chapter shall constitute unprofessional conduct and may be subject to disciplinary action by the Board.*

DENNIS R. SCHRADER
Secretary of Health

Title 14 INDEPENDENT AGENCIES

Subtitle 40 MARYLAND CENTER FOR SCHOOL SAFETY

14.40.04 Certification and Training for School Security Employees and School Resource Officers

Authority: Education Article §§7-151(k), 7-1503(g), and 7-1508, Annotated Code of Maryland.

Notice of Proposed Action

[22-316-P]

The Maryland Center for School Safety proposes to amend Regulations .01—.03 under **COMAR 14.40.04 Certification and Training for School Security Employees and School Resource Officers**. This action was considered at an open meeting held on August 8, 2022, notice of which was published on the Center's website and social media.

Statement of Purpose

These amendments define school safety coordinators better and improve training and certification requirements for school safety coordinators, school resource officers, and school security employees.

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 Kate Bryan, Executive Director, Maryland Center for School Safety, 7125 Ambassador Road, Suite 130, Windsor Mill, MD 21244, or call 410-281-2335, or email to admin.mcass@maryland.gov. Comments will be accepted through February 27, 2023. A public hearing has not been scheduled.

.01 Definitions.

- A. (text unchanged)
 - B. Terms Defined.
 - (1)—(2) (text unchanged)
 - (3) *“School safety coordinator (SSC)” means an individual or individuals in a school system, regardless of job title, who serve as:*
 - (a) *The head of safety or security for the school system; and*
 - (b) *If appointed by the local school system, the liaison between the Center, local law enforcement, and the local school system as required under Education Article, §7-1508(a), Annotated Code of Maryland.*
- [(3)] (4) School Security Employee.
- (a) (text unchanged)
 - (b) *“School security employee” includes [the following] individuals [who are employed]:*
 - (i) *Employed by a local school system, either as salaried or contractual employees, to provide safety and security-related services at a public school; or*
 - (ii) *Assigned to a public school, whose job description includes safety or security related services as part of the individual's primary duties.*

(i) School safety coordinator;
 (ii) School security director; and
 (iii) Any individual designated by the administration within the individual’s job description who is required to provide safety and security-related services as a part of the individual’s regular job duties.]

(c) “School security employee” does not include:

- (i) A school resource officer; [or]
- (ii) Local law enforcement providing supplemental coverage to local school systems[.];
- (iii) An employee of the school system not assigned to work in an individual public school as part of their duties; or
- (iv) A school administrator.

.02 School Safety Coordinator Certification.

A. The Center shall certify a school safety coordinator upon completion of the following training:

(1) The [MCSS model] Center’s curriculum [for school resource officers and school security employees as set forth in Education Article, §7-1508, Annotated Code of Maryland] and any annual updates; [and]

(2) The National Incident Management System, Incident Command System, independent study courses 100, 200, 700, and 800[.]; and

(3) Federal Emergency Management Agency (FEMA) independent study course, Multi-Hazard Emergency Planning for Schools.

B. Supplemental Instruction.

(1)—(3) (text unchanged)

[C.] (4) A school safety coordinator shall submit certificates of completion to the Center within 30 days of completion of the coursework.

.03 School Resource Officers and School Security Employees [Certification] Training.

A. [A] Before working in a public school, a school resource officer [working in a Maryland public school] or school security employee shall complete the Center’s [40-hour] model curriculum [or an approved local training by September 1, 2019], as required under Education Article, §7-1508, Annotated Code of Maryland.

[B. A school security employee working in a Maryland public school shall complete the Center’s 40-hour model curriculum or an approved local training by September 1, 2019.

C. A school resource officer or school security employee working in a Maryland public school who provides documentation to the Center demonstrating that the individual received the 40-hour training course offered by the National Association of School Resource Officers on or after September 1, 2017, shall complete the Center’s 16-hour comparative compliance curriculum prior to September 1, 2019.

D. A school resource officer or school security employee who is hired to work in a Maryland public school on or after September 1, 2019, or on or after September 1 annually thereafter, shall have until the beginning of the next academic year to complete the required training set forth in this subsection.

E. A school resource officer or school security employee who is hired to work in a Maryland public school on or after September 1, 2019, or on or after September 1 annually thereafter, who provides documentation to the Center demonstrating that the individual received the 40-hour training course offered by the National Association of School Resource Officers on or after September 1, 2017, shall complete the Center’s 16-hour comparative compliance curriculum prior to the beginning of the next academic year to complete the required training set forth in this subsection.]

B. A school resource officer or school security employee hired after the start of the school year will register and complete the model training prior to the next school year and may begin work in a school:

(1) Following notification to the Center; and

(2) Following completion of preliminary curriculum prescribed by the Center.

C. School resource officers and school security employees shall complete a minimum of 16 additional hours of training annually in content areas approved by the Center, including:

(1) Updated legislative and regulatory changes affecting the

work of SROs and SSEs;

(2) Expanded training in existing content areas;

(3) Any training identified or approved by the Center; or

(4) Any other mandates under State, federal, or local law.

D. Each year, the local school superintendent shall certify to the Center’s Executive Director that school security employees assigned to the jurisdiction’s schools have completed the training required under this chapter.

KATE BRYAN
 Executive Director

Subtitle 40 MARYLAND CENTER FOR SCHOOL SAFETY

14.40.05 Critical, Life-Threatening Incidents

Authority: Education Article, §§7-1503(g) and 7-1510(g), Annotated Code of Maryland

Notice of Proposed Action

[22-318-P]

The Maryland Center for School Safety proposes to amend Regulations .03 and .04 under **COMAR 14.40.05 Critical, Life-Threatening Incidents**. This action was considered at an open meeting held on August 8, 2022, notice of which was posted on the Center’s website and social media.

Statement of Purpose

This amendment aims to provide clearer definitions and direction for local school systems regarding reporting a critical, life-threatening incident.

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 Kate Bryan, Executive Director, Maryland Center for School Safety, 7125 Ambassador Road, Suite 130, Windsor Mill, MD 21244, or call 410-281-2335, or email to admin.mcass@maryland.gov. Comments will be accepted through February 27, 2023. A public hearing has not been scheduled.

.03 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) “Critical, life-threatening incident” means an event [in which conduct occurred causing death or which resulted in serious bodily injury to one or more individuals, or which may be charged as a threat of mass violence]:

(a) Which results in an individual being charged with a threat of mass violence directed at a school under Criminal Law Article, §3-1001, Annotated Code of Maryland[.];

(b) Which occurred on school grounds resulting in:

(i) Death, including self-harm;

(ii) Serious bodily injury; or

(iii) Protracted loss or impairment of the function of a bodily member or organ to any individual.

(c) Determined by the local school system or Center as a critical, life-threatening incident; or

(2) “School grounds” means the physical area including:

(a) [The physical plant where the school is located and operated, including all buildings, physical structures, and real property owned or leased by the local school system for the operation of a school; and] Where the school is located and operated;

(b) [School transportation vehicles either owned by or contracted for by the local school system for the purposes of pupil transportation.] Within 1000 feet of the school’s property line;

(c) Buildings, physical structures, and real property owned or leased by the local school system for the operation of a school;

(d) Locations leased or rented by the school or school system for school sponsored events; or

(e) School transportation vehicles either owned by or contracted for by the local school system for the purposes of pupil transportation.

.04 Notification.

A. A local school system experiencing a critical, life-threatening incident shall have its school safety coordinator notify [MCSS] the Center of the incident as soon as practicable, but no later than 24 hours after the local school system [learns of the incident] knew or should have known that this was a critical, life-threatening incident or received notice that the individual was charged under Criminal Law Article, §3-1001, Annotated Code of Maryland.

B. (text unchanged)

C. The after-action meeting participants shall include:

(1) Center staff;

(2) School safety coordinator;

(3) Representatives from the school or school system involved in the response to or recovery from the incident; and

(4) Representatives from responding agencies.

[C.] D. The local school system shall file the report required by Education Article, §7-1510(g)(2)(iii), Annotated Code of Maryland, [within 60 days of the completion of the after-action meeting set forth in §B of this regulation] as soon as practicable following completion of the after-action meeting set forth in §B of this regulation, but no later than 100 days after the occurrence of the incident.

E. The after-action report shall include:

(1) The scope of the incident, including:

(a) Incident description;

(b) Timeline of events;

(c) Number of people injured;

(d) Number of fatalities;

(e) Number and type of first responders; and

(f) Parts of the emergency plan activated; and

(2) An evaluation of the response to the incident, including:

(a) Areas of the school’s emergency plan, procedures, and training that:

(i) Worked well; and

(ii) Need improvement;

(b) Equipment that failed to function properly;

(c) Actions that will be taken to address the identified areas of improvement;

(d) Entities responsible for the corrective action or actions;

(e) Timeline for completion; and

(f) Lessons learned by the local school system from the incident response and recovery.

F. The Center shall file the report required under Education Article, §7-1510(g)(3), Annotated Code of Maryland:

(1) Within 45 days of receiving the report from the local school system; or

(2) Within 45 days of the expiration of the filing deadline set forth at §D of this regulation.

G. The Center shall develop guidelines for local school systems to complete reports required by this regulation.

KATE BRYAN
Executive Director

Title 21

STATE PROCUREMENT REGULATIONS

Subtitle 11 SOCIOECONOMIC POLICIES

21.11.11 Prevailing Wage—Contracts for Public Works

Authority: State Finance and Procurement Article, §§17-202, 17-204(a), and 17-221, Annotated Code of Maryland

Notice of Proposed Action

[22-324-P]

The Commissioner of Labor and Industry proposes to amend Regulation .01, adopt new Regulations .06 and .07, and recodify existing Regulations .06 and .07 to be Regulations .08 and .09 under **COMAR 21.11.11 Prevailing Wage—Contracts for Public Works.**

Statement of Purpose

The purpose of this action is to implement:

(1) The provisions of Ch. 51 (S.B. 259), Acts of 2022, by including mechanical service systems installed as part of a building or public work constructed under the Prevailing Wage Law and to clarify when a mechanical service company is obligated to submit certified payroll records; and

(2) The provisions of Ch. 49 (S.B. 1), Acts of 2022, authorizing the Commissioner to issue a stop work order to a contractor or subcontractor on a public works project that may have violated the State’s Prevailing Wage Law.

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 Mischelle F. Vanreusel, Acting Deputy Commissioner, Division of Labor and Industry, 10946 Golden West Drive, Suite 160, Hunt Valley, MD 21030, or call 410-767-2225, or email to dli.regulations+PW@maryland.gov. Comments will be accepted through February 27, 2023. A public hearing has not been scheduled.

.01 Definitions.

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

(1)—(2) (text unchanged)

(3) “Stop work order” means an order issued by the Commissioner to a contractor or subcontractor that requires the contractor or the subcontractor to stop that contractor’s or that subcontractor’s work at the location identified in the order.

[(3)] (4) (text unchanged)

.06 Mechanical Systems Service Contracts.

A. This regulation applies to the following mechanical systems service contracts:

- (1) Valued at more than \$2,500;
- (2) Procured by a public body as defined in State Finance and Procurement Article, §17-201(j), Annotated Code of Maryland; and
- (3) Covering a mechanical system installed as part of a building or public work constructed under the Prevailing Wage Law for a contract bid on or after October 1, 2022.

B. A contractor performing work on a mechanical systems service contract shall submit certified payroll records pursuant to Regulation .02 of this chapter only for the weeks that work was performed on the service contract.

.07 Stop Work Order.

A. Prior to the issuance of a stop work order, the Commissioner shall:

- (1) Send the contractor or subcontractor found to be in violation a demand letter identifying any underpayments and any liquidated damages owed by that contractor or subcontractor; and
- (2) If the violation is not resolved by the demand letter, notify the public body to withhold from payment due to the contractor or the subcontractor found to be in violation the full amount of the wages due including liquidated damages.

B. If a contractor or subcontractor fails to resolve the underpayment and any liquidated damages as provided for in §A of this regulation, the Commissioner may issue a stop work order to the violating contractor or the violating subcontractor.

C. A stop work order shall contain:

- (1) A description of the underpayment amount and any liquidated damages;
- (2) A clear description of the work to be suspended and location or locations;
- (3) A date within 48 hours of issuance of the stop work order for a meeting with the Commissioner to discuss resolution of the underpayment and any liquidated damages; and
- (4) The deadline for the contractor or the subcontractor to resolve the violation.

D. A stop work order shall be posted in a prominent and easily accessible place at the location identified in the order.

MATTHEW S. HELMINIAK
Commissioner of Labor and Industry

**Title 26
DEPARTMENT OF
ENVIRONMENT**

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

**26.04.12 On-Site Wastewater Property Transfer
Inspection License**

Authority: Environment Article, §9-217.2, Annotated Code of Maryland

Notice of Proposed Action

[22-182-P]

The Secretary of the Environment proposes to adopt new Regulations .01—.07 under a new chapter, **COMAR 26.04.12 On-Site Wastewater Property Transfer Inspection License**.

Statement of Purpose

The purpose of this action is to bring COMAR into alignment with Annotated Code of Maryland. Ch. 444 (H.B. 407) and Ch. 445 (S.B. 22), Acts of 2021, were enacted to prohibit an individual from engaging in the business of inspecting an on-site sewage disposal system (OSDS) unless the person holds a valid on-site wastewater property transfer inspection license issued by MDE on or after July 1, 2022. The law required MDE to adopt regulations with provisions for an administrative penalty of up to \$10,000 for a violation and providing that each inspection knowingly conducted without a valid license constitutes a separate violation.

There are approximately 1125 OSDS property transfer inspectors in Maryland, some of whom will be impacted by this legislation and will need to obtain training, certification and a license to continue their business of inspections. The bill’s licensing requirement does not apply to an individual who inspects a septic system as part of the individual’s duties as an employee of the federal government, the State, or any local government of the State.

Estimate of Economic Impact

I. Summary of Economic Impact. There will be a slight economic impact to individuals who inspect on-site disposal systems (OSDS) because the regulations will provide for a licensure requirement after July 1, 2022. The fee to obtain a license will be \$150 every 2 years. Individuals who are not licensed will not be allowed to inspect properties with OSDS and will be required by the regulations to obtain certified training to conduct their business.

II. Types of Economic Impact.

Impacted Entity	Revenue	Magnitude
	(R+/R-) Expenditure (E+/E-)	
A. On Issuing agency:	NONE	
B. On other state agencies:	NONE	
C. On local governments:	NONE	

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:		
Private sector OSDS inspectors	(+)	Small
F. Direct and indirect effects on public:		
Public	(-)	Small

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

E. In order to conduct an inspection, an individual must first obtain an on-site wastewater property transfer inspection license from MDE. The cost to obtain the license will be set at \$150 every 2 years. The individual will be required to apply for training and pass a test to be certified. In 2022, there are approximately 1200 individuals conducting OSDS inspections.

F. The public will have greater assurance that an individual who inspects their property at the point of transfer will be certified by MDE to conduct the inspection correctly and there will be remedies against ill-trained or uncertified inspectors.

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 Ms. Naomi Howell, Program Manager, Wastewater Pollution Prevention and Reclamation Program, Water and Science Administration, Maryland Department of the Environment, 1800 Washington Blvd., Baltimore, MD 21230, or call 410-537-3000, or email to naomi.howell@maryland.gov. Comments will be accepted through February 27, 2023. A public hearing has not been scheduled.

Editor’s Note: The text of this document will not be printed here because it appeared as a Notice of Emergency Action in 49:20 Md. R. 910—912 (September 23, 2023), referenced as [22-182-E].

SERENA McILWAIN
Secretary of the Environment Designate