



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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before January 9, 2023, 5 p.m.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 January 9, 2023.

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



Information About the Maryland Register and COMAR

MARYLAND REGISTER

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

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

The following information is also published regularly in the Register:

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

CITATION TO THE MARYLAND REGISTER

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

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

CODE OF MARYLAND REGULATIONS (COMAR)

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

CITATION TO COMAR REGULATIONS

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

DOCUMENTS INCORPORATED BY REFERENCE

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

HOW TO RESEARCH REGULATIONS

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

SUBSCRIPTION INFORMATION

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

CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

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

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

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Wes Moore, Governor; **Susan C. Lee**, Secretary of State; **Gail S. Klakring**, Administrator; **Mary D. MacDonald**, Senior Editor, Maryland Register and COMAR; **Elizabeth Ramsey**, Editor, COMAR Online, and Subscription Manager; **Tami Cathell**, Help Desk, COMAR and Maryland Register Online. Front cover: State House, Annapolis, MD, built 1772—79. Illustrations by Carolyn Anderson, Dept. of General Services

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PERSONS WITH DISABILITIES

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The Maryland Register is also available at www.dsd.state.md.us.

For additional information, visit www.dsd.maryland.gov, Division of State Documents, or call us at (410) 974-2486 or 1 (800) 633-9657.

Availability of Monthly List of Maryland Documents

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

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

CLOSING DATES AND ISSUE DATES THROUGH DECEMBER 2023[†]

Issue Date	Emergency and Proposed Regulations 5 p.m.*	Notices, etc. 10:30 a.m.	Final Regulations 10:30 a.m.
2023			
February 10	January 23	January 30	February 1
February 24	February 6	February 13	February 15
March 10	February 17**	February 27	March 1
March 24	March 6	March 13	March 15
April 7	March 20	March 27	March 29
April 21	April 3	April 10	April 12
May 5	April 17	April 24	April 26
May 19	May 1	May 8	May 10
June 2	May 15	May 22	May 24
June 16	May 26**	June 5	June 7
June 30	June 12	June 16 **	June 21
July 14	June 26	July 3	July 5
July 28	July 10	July 17	July 19
August 11	July 24	July 31	August 2
August 25	August 7	August 14	August 16
September 8	August 21	August 28	August 30
September 22	September 1**	September 11	September 13
October 6	September 18	September 25	September 27
October 20	October 2	October 6**	October 11
November 3	October 16	October 23	October 25
November 17	October 30	November 6	November 8
December 1	November 13	November 20	November 22
December 15	November 27	December 4	December 6
December 29	December 11	December 18	December 20

[†] Please note that this table is provided for planning purposes and that the Division of State Documents (DSD) cannot guarantee submissions will be published in an agency's desired issue. Although DSD strives to publish according to the schedule above, there may be times when workload pressures prevent adherence to it.

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

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

** Note closing date changes.

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.

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.

09.12.01.01D(2)(c)(iii)

Title Subtitle Chapter Regulation Subsection Paragraph Subparagraph

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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03.02.01.03—,07,,09,,11—,22 • 49:21 Md. R. 954 (10-7-22)
03.02.03.01—,08 • 49:21 Md. R. 954 (10-7-22)
03.02.05.01—,12 • 49:21 Md. R. 954 (10-7-22)
03.02.06.01—,05 • 49:21 Md. R. 954 (10-7-22)

05 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

05.20.05.01—.12 • 49:25 Md. R. 1054 (12-2-22)

07 DEPARTMENT OF HUMAN SERVICES

07.02.01.10 • 49:9 Md. R. 532 (4-22-22)

08 DEPARTMENT OF NATURAL RESOURCES

08.02.04.11 • 49:15 Md. R. 742 (7-15-22)
49:18 Md. R. 855 (8-26-22) (err)
08.03.09.11 • 50:2 Md. R. 52 (1-27-23)
08.18.12.05 • 49:27 Md. R. 1113 (12-30-22)
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09.12.57.01.,02 • 50:2 Md. R. 62 (1-27-23) (ibr)
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10.21.01.04..08 • 49:23 Md. R. 1000 (11-4-22)

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33.11.04.04 • 49:25 Md. R. 1065 (12-2-22)

The Governor

PROCLAMATION

Governor's Proclamation Declaring the Election of a United States Senator from the State of Maryland

WHEREAS, it appearing from the certified copies of the returns of a general election held in the State of Maryland, on Tuesday, November 8, 2022, for the United States Senator; that

FOR THE UNITED STATES SENATOR

Chris Van Hollen received 1,316,897 votes
Chris Chaffee received 682,293 votes
Scottie Griffin (Write-In) received 334 votes
Andrew J. Wildman (Write-In) received 89 votes
Other Write Ins (Write-In) received 2,698 votes

NOW, THEREFORE, I, Lawrence J. Hogan, Jr., Governor, in compliance with Election Law Article, Section 11, of the Annotated Code of Maryland, DO BY THIS PROCLAMATION DECLARE AND PROCLAIM, that

FOR THE UNITED STATES SENATOR:

Chris Van Hollen having received the greatest number of votes cast at the election, is duly elected to the office set forth above.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 14th day of December in the Year of Our Lord, Two Thousand Twenty Two.

LAWRENCE J. HOGAN, JR.
Governor

ATTEST:

JOHN C. WOBENSMITH
Secretary of State

[23-02-01]

PROCLAMATION

Governor's Proclamation Declaring the Election of Representatives in the 117th Congress of the United States from the State of Maryland

WHEREAS, it appearing from the certified copies of the returns of a general election held in the State of Maryland, on Tuesday, November 8, 2022, for the Representative of the First Congressional District in the 118th Congress of the United States; that

FOR THE REPRESENTATIVE OF THE FIRST CONGRESSIONAL DISTRICT IN THE 118TH CONGRESS OF THE UNITED STATES

Andy Harris received 159,673 votes
Heather R. Mizeur received 126,511 votes
Daniel Frank Thibeault received 6,924 votes
Other Write Ins (Write-In) received 220 votes

WHEREAS, it appearing from the certified copies of the returns of a general election held in the State of Maryland, on Tuesday, November 8, 2022, for the Representative of the Second Congressional District in the 118th Congress of the United States; that

FOR THE REPRESENTATIVE OF THE SECOND CONGRESSIONAL DISTRICT IN THE 118TH CONGRESS OF THE UNITED STATES

C.A. Dutch Ruppertsberger received 158,998 votes
Nicolee Ambrose received 109,075 votes
Other Write Ins (Write-In) received 361 votes

WHEREAS, it appearing from the certified copies of the returns of a general election held in the State of Maryland, on Tuesday, November 8, 2022, for the Representative of the Third Congressional District in the 118th Congress of the United States; that

FOR THE REPRESENTATIVE OF THE THIRD CONGRESSIONAL DISTRICT IN THE 118TH CONGRESS OF THE UNITED STATES

John Sarbanes received 175,514 votes
Yuripzy Morgan received 115,801 votes
Other Write Ins (Write-In) received 287 votes

WHEREAS, it appearing from the certified copies of the returns of a general election held in the State of Maryland, on Tuesday, November 8, 2022, for the Representative of the Fourth Congressional District in the 118th Congress of the United States; that

FOR THE REPRESENTATIVE OF THE FOURTH CONGRESSIONAL DISTRICT IN THE 118TH CONGRESS OF THE UNITED STATES

Glenn F. Ivey received 144,168 votes
Jeff Warner received 15,441 votes
Other Write Ins (Write-In) received 400 votes

WHEREAS, it appearing from the certified copies of the returns of a general election held in the State of Maryland, on Tuesday, November 8, 2022, for the Representative of the Fifth Congressional District in the 118th Congress of the United States; that

FOR THE REPRESENTATIVE OF THE FIFTH CONGRESSIONAL DISTRICT IN THE 118TH CONGRESS OF THE UNITED STATES

Steny Hoyer received 182,478 votes
Chris Palombi received 94,000 votes
Other Write Ins (Write-In) received 442 votes

WHEREAS, it appearing from the certified copies of the returns of a general election held in the State of Maryland, on Tuesday, November 8, 2022, for the Representative of the Sixth Congressional District in the 118th Congress of the United States; that

FOR THE REPRESENTATIVE OF THE SIXTH CONGRESSIONAL DISTRICT IN THE 118TH CONGRESS OF THE UNITED STATES

David J. Trone received 140,295 votes
Neil C. Parrott received 115,771 votes
Other Write Ins (Write-In) received 332 votes

WHEREAS, it appearing from the certified copies of the returns of a general election held in the State of Maryland, on Tuesday, November 8, 2022, for the Representative of the Seventh Congressional District in the 118th Congress of the United States; that

FOR THE REPRESENTATIVE OF THE SEVENTH CONGRESSIONAL DISTRICT IN THE 118TH CONGRESS OF THE UNITED STATES

Kweisi Mfume received 151,640 votes
Scott M. Collier received 32,737 votes
Other Write Ins (Write-In) received 424 votes

WHEREAS, it appearing from the certified copies of the returns of a general election held in the State of Maryland, on Tuesday, November 8, 2022, for the Representative of the Eighth Congressional District in the 118th Congress of the United States; that

FOR THE REPRESENTATIVE OF THE EIGHTH CONGRESSIONAL DISTRICT IN THE 118TH CONGRESS OF THE UNITED STATES

Jamie Raskin received 211,842 votes
Gregory Thomas Coll received 47,965 votes
Andrés Garcia received 4,125 votes
Other Write Ins (Write-In) received 274 votes

NOW, THEREFORE, I, Lawrence J. Hogan, Jr., Governor, In Compliance with Election Law Article, Section 11, of the Annotated Code of Maryland, DO BY THIS PROCLAMATION DECLARE AND PROCLAIM, THAT

FOR THE REPRESENTATIVE OF THE FIRST CONGRESSIONAL DISTRICT IN THE 118TH CONGRESS OF THE UNITED STATES:

Andy Harris having received the greatest number of votes cast at the election, is duly elected to the office set forth above.

FOR THE REPRESENTATIVE OF THE SECOND CONGRESSIONAL DISTRICT IN THE 118TH CONGRESS OF THE UNITED STATES:

C.A. Dutch Ruppersberger having received the greatest number of votes cast at the election, is duly elected to the office set forth above.

FOR THE REPRESENTATIVE OF THE THIRD CONGRESSIONAL DISTRICT IN THE 118TH CONGRESS OF THE UNITED STATES:

John Sarbanes having received the greatest number of votes cast at the election, is duly elected to the office set forth above.

FOR THE REPRESENTATIVE OF THE FOURTH CONGRESSIONAL DISTRICT IN THE 118TH CONGRESS OF THE UNITED STATES:

Glenn F. Ivey having received the greatest number of votes cast at the election, is duly elected to the office set forth above.

FOR THE REPRESENTATIVE OF THE FIFTH CONGRESSIONAL DISTRICT IN THE 118TH CONGRESS OF THE UNITED STATES:

Steny Hoyer having received the greatest number of votes cast at the election, is duly elected to the office set forth above.

FOR THE REPRESENTATIVE OF THE SIXTH CONGRESSIONAL DISTRICT IN THE 118TH CONGRESS OF THE UNITED STATES:

David J. Trone having received the greatest number of votes cast at the election, is duly elected to the office set forth above.

FOR THE REPRESENTATIVE OF THE SEVENTH CONGRESSIONAL DISTRICT IN THE 118TH CONGRESS OF THE UNITED STATES:

Kweisi Mfume having received the greatest number of votes cast at the election, is duly elected to the office set forth above.

FOR THE REPRESENTATIVE OF THE EIGHTH CONGRESSIONAL DISTRICT IN THE 118TH CONGRESS OF THE UNITED STATES:

Jamie Raskin having received the greatest number of votes cast at the election, is duly elected to the office set forth above.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 14th day of December, 2022.

LAWRENCE J. HOGAN, JR.
Governor

ATTEST:

JOHN C. WOBENSMITH
Secretary of State

[23-02-02]

PROCLAMATION

Governor's Proclamation Declaring the Result of the Election of November 8, 2022, for Constitutional Amendments

WHEREAS, the General Assembly of Maryland at its Regular Session enacted Chapter 82 of the Acts of the General Assembly of 2021, (Ch. 82 of the 2021 Legislative Session), Court of Appeals and Special Appeals - Renaming; and Chapter 808 of the Acts of the General Assembly of 2021, (Ch. 808 of 2021 Legislative Session), Legislative Department - Eligibility to Serve as Senators and Delegates - Place of Abode; and Chapter 809 of the Acts of the General Assembly of 2021, (Ch. 809 of 2021 Legislative Session), Civil Jury Trials; and Chapter 45 of the Acts of the General Assembly of 2022, (Ch. 45 of the 2022 Legislative Session), Cannabis - Legalization of Adult Use and Possession; and Chapter 539 of the Acts of the General Assembly of 2022, (Ch. 539 of the 2022 Legislative Session), Circuit Court for Howard County- Judges Sitting as Orphans' Court proposing amendments to the Constitution of Maryland;

WHEREAS, The General Assembly also determined that Chapter 539 is proposing an amendment to the Maryland Constitution that affects only one county and that the provisions of Article, § 1 of the Maryland Constitution concerning local approval of constitutional amendments apply.

WHEREAS, The above recited Acts and Article of the Constitution, provide for the submission of the amendments to the legal and qualified voters of the State for their adoption or rejection, at the election held on November 8, 2022; and

WHEREAS, Chapter 539 of the Acts of the General Assembly of 2022 provide for the submission of the amendment to the legal and qualified voters of Howard County for their adoption or rejection, at the election held on November 8, 2022; and

WHEREAS, The Acts were submitted to the legal and qualified voters of the State during that election and from the certified copies of the returns of the election were as follows:

As to Chapter 82 of the Acts of the General Assembly of 2021 relating to (Ch. 82 of the 2021 Legislative Session), Court of Appeals and Special Appeals - Renaming (Question No. 1): 1,340,952 votes were cast for the adoption, and 447,252 votes were cast against the adoption; and

As to Chapter 808 of the Acts of the General Assembly of 2021 relating to (Ch. 808 of 2021 Legislative Session), Legislative Department - Eligibility to Serve as Senators and Delegates - Place of Abode (Question No. 2): 1,684,519 votes were cast for the adoption, and 183,099 votes were cast against the adoption; and

As to Chapter 809 of the Acts of the General Assembly of 2021 relating to (Ch. 809 of 2021 Legislative Session), Civil Jury Trials (Question No. 3): 1,132,822 votes were cast for the adoption, and 679,451 votes were cast against the adoption; and

As to Chapter 45 of the Acts of the General Assembly of 2022 relating to (Ch. 45 of the 2022 Legislative Session), Cannabis - Legalization of Adult Use and Possession (Question No. 4): 1,302,161 votes were cast for the adoption, and 635,572 votes were cast against the adoption; and

As to Chapter 539 of the Acts of the General Assembly of 2022 relating to (Ch. 539 of the 2022 Legislative Session), Circuit Court for Howard County- Judges Sitting as Orphans' Court (Question No 5): statewide 1,062,187 votes were cast for the adoption, and 528,000 votes were cast against the adoption; and in Howard County 69,863 votes were cast for the adoption, and 43,503 votes were cast against the adoption; and

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR, pursuant to Section 1 of Article of the Constitution of Maryland, do, by this Proclamation, declare and proclaim that Chapter 82 of the Acts of the General Assembly of 2021, and Chapter 808 of the Acts of the General Assembly of 2021, and Chapter 809 of the Acts of the General Assembly of 2021, and Chapter 45 of the Acts of the General Assembly of 2022, having received the majority of votes cast for the adoption, shall become parts of the Constitution of the State of Maryland; and Chapter 539 of the Acts of the General Assembly of 2022, having received the majority of votes cast for the adoption statewide and by the voters of Howard County, shall become parts of the Constitution of the State of Maryland.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 14th day of December, 2022.

LAWRENCE J. HOGAN, JR.
Governor

ATTEST:

JOHN C. WOBENSMITH
Secretary of State

[23-02-03]

The Judiciary

SUPREME COURT OF MARYLAND

DISCIPLINARY PROCEEDINGS

This is to certify that by an Order of this Court dated November 3, 2022, **MARK LEONARD HESSEL** (CPF# 8205010136) as of December 31, 2022, Mark Leonard Hessel has been disbarred by consent and his name has been stricken from the register of attorneys in this Court. Notice of this action is given in accordance with Maryland Rule 19-761(b).

* * * * *

This is to certify that by an Order of this Court dated January 3, 2023, **ADAM LANE CHAUDRY** (CPF# 0812160134) as of January 3, 2023, Adam Lane Chaudry has been disbarred by consent and his name has been stricken from the register of attorneys in this Court. Notice of this action is given in accordance with Maryland Rule 19-761(b).

* * * * *

This is to certify that by an Order of this Court dated January 5, 2023, **BYRON KEITH FOGAN** (CPF# 0906160047) as of January 5, 2023, Byron Keith Fogan has been disbarred by consent and his name has been stricken from the register of attorneys in this Court. Notice of this action is given in accordance with Maryland Rule 19-761(b).

[23-02-11]

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 14 INDEPENDENT AGENCIES

Subtitle 39 INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION

14.39.02 Administration of the Public School Construction Program

Authority: Education Article, §§4-126, 5-112, and 5-303; State Finance and Procurement Article, §5-7B-07; Annotated Code of Maryland

Notice of Final Action

[22-200-F]

On January 12, 2023, the Interagency Commission on School Construction adopted amendments to Regulation .06 under **COMAR 14.39.02 Administration of the Public School Construction Program**. This action, which was proposed for adoption in 49:23 Md. R. 1011 (November 4, 2022), has been adopted as proposed.

Effective Date: February 6, 2023.

ALEX DONAHUE
Acting Executive Director

Title 22 STATE RETIREMENT AND PENSION SYSTEM

Subtitle 03 BOARD OF TRUSTEES

22.03.04 Procedures for Hearings by or for the Board of Trustees

Authority: *State Government Article, §10-206(b)*; State Personnel and Pensions Article, §§21-108, 21-110, and 21-111; Annotated Code of Maryland

Notice of Final Action

[22-263-F]

On January 17, 2023, the Board of Trustees for the State Retirement and Pension System adopted amendments to Regulations .01—.11 under **COMAR 22.03.04 Procedures for Hearings by or for the Board of Trustees**. This action, which was proposed for adoption in 49:25 Md. R. 1041—1070 (December 2, 2022), has been adopted as proposed.

Effective Date: February 6, 2023.

MARTIN M. NOVEN
Executive Director

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, 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

08.03.09 Wildlife Possession

Authority: Natural Resources Article, §§10-206 and 1-104(g), Annotated Code of Maryland

Notice of Proposed Action

[22-283-P]

The Department of Natural Resources proposes to repeal existing Regulation .11 and adopt new Regulation .11 under **COMAR 08.03.09 Wildlife Possession**.

Statement of Purpose

The purpose of this action is to update the Deer Cooperator Permit to better meet the needs of users and the Service. Deer Cooperator Permits authorize users to lethally or non-lethally control deer outside of the regular deer hunting season. They are often used on airport grounds for human safety concerns, and on federal government properties where deer overpopulation is a concern. Farmers may also use the permits to remove deer that are injurious to crops. As the deer cooperator permit has matured, changes have been identified that will streamline its use and better inform users of their responsibilities. Based upon current use and demand, the permit will be separated into an agricultural and a general license, and four types of permits will be created under these licenses (agricultural, public safety, standard, and non-lethal permits). The type of license and permit requested will determine when and where they can be used, and any qualifications for obtaining one.

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 Karina Stonesifer, Associate Director, Wildlife and Heritage Service, 12512 Pleasant Valley Road, Flintstone, MD 21530, or call 301-777-2136, or email to karina.stonesifer@maryland.gov. Comments will be accepted through February 27, 2023. A public hearing has not been scheduled.

.11 Deer Cooperator License.

A. Scope. A deer cooperator license issued by the Service allows a licensee to conduct deer removal and handling operations upon issuance of an Operational Plan in accordance with §E of this regulation. The fee to apply for this license is \$100. A license expires 1 year from the date it is issued. If the Service does not issue the license, the fee shall be refunded. There are two deer cooperator licenses as follows:

(1) Agricultural Deer Cooperator License: valid only on agricultural lands actively farmed for commercial crops. An applicant for an Agricultural Deer Cooperator License shall be the owner or lessee of the properties covered under the Deer Cooperator Operational Permit as described in §E(1) of this regulation, or their employee.

(2) General Deer Cooperator License: valid on commercial, private, or other lands. An applicant shall be an owner or lessee of the properties covered under the Deer Cooperator Operational Permit as described in §E(1) of this regulation, or their designee. General Deer Cooperator licensees may also conduct operations as an Agricultural Deer Cooperator in accordance with the requirements of §E(1)(c) of this regulation.

B. The requirements of this chapter are in addition to any requirements imposed by any other agency of State, federal, or local government relating to the:

(1) Possession or transportation of deer;

- (2) Possession of firearms, ammunition, optics, and suppressors;
- (3) Possession of drugs for anesthetizing deer;
- (4) Possession or discharge of a firearm during the day or night;

or

- (5) Use of centerfire rifles or handguns.

C. Qualifications for a Deer Cooperator License.

(1) An individual may not apply for a deer cooperator license if the individual has been convicted of any State or federal natural resources violation within 5 years prior to the date of application.

(2) An individual applying for a deer cooperator license shall successfully complete a written examination administered by the Service.

(3) The written examination for a deer cooperator license may contain questions relating to:

- (a) Deer ecology;
- (b) Deer conflicts with humans;
- (c) Lethal and nonlethal deer management alternatives;
- (d) Current statutes and regulations pertaining to wildlife, lethal control devices, and other equipment details;
- (e) Deer data collection methodology; and
- (f) Other questions necessary to determine an individual's ability to adequately assess, describe, and implement a safe and effective deer operation.

(4) An individual applying for a deer cooperator license is required to successfully complete a shooting proficiency test administered by the Service or a certified NRA instructor, or provide proof of successful completion of a preapproved comparable shooting proficiency test.

(5) Effective July 1, 2023, all new deer cooperator license holders and certified shooters for lethal operations shall possess a valid Maryland hunting license unless exempted from the license requirement pursuant to Natural Resources Article, §10-301(c), Annotated Code of Maryland.

(6) All deer cooperator license holders and certified shooters shall meet the requirement of competency in firearms and hunter safety in accordance with Natural Resources Article, §10-301.1, Annotated Code of Maryland.

D. Qualification of Certified Shooters.

(1) Certified shooters may operate under a deer cooperator licensee to assist with operations.

(2) An individual may not apply to become a certified shooter if the individual has been convicted of any State or federal natural resources violation within 5 years prior to the date of application.

(3) An individual applying to become a certified shooter is required to successfully complete a shooting proficiency test administered by the Service or a certified NRA instructor, or provide proof of successful completion of a preapproved comparable shooting proficiency test.

(4) Effective July 1, 2023, all new deer cooperator license holders and certified shooters for lethal operations shall possess a valid Maryland hunting license. Exempt from this requirement to possess a hunting license are those individuals so exempted pursuant to Natural Resources Article, §10-301(c), Annotated Code of Maryland.

(5) All deer cooperator license holders and certified shooters shall meet the requirement of competency in firearms and hunter safety in accordance with Natural Resources Article, §10-301.1, Annotated Code of Maryland.

E. Permits for Conducting Operations Under the Deer Cooperator License.

(1) A deer cooperator licensee shall submit an operational plan to the Service at least 45 days before the planned commencement of each operation. The Service shall review the plan within 45 days and issue an operational permit upon approval of the plan. Any corrections

needed within the plan will require an additional 45-day review. The four types of Operational Permits are defined as:

(a) **Public Safety Operational Permit:** issued for airports operating under the authority of the Maryland Aviation Administration or a state or federal law enforcement agency certified police driver training facility where deer have been documented to cause a threat to public safety. Permits shall be valid from July 1 through June 30.

(b) **Standard Operational Permit:** issued to applicants where documented deer damage has occurred and all other efforts to manage the deer herd have been exhausted. Permits shall be valid from January 15 through April 15.

(c) **Agricultural Operational Permit:** issued on agricultural lands actively farmed for commercial commodities. Applicants for an Agricultural Deer Cooperator Operational Permit shall be the owner or lessee, of the property where the deer management will occur, or their employee. Permits shall be valid from January 15 through April 15.

(d) **Non-Lethal Operational Permit:** issued for operations where deer are live-captured and released for the purpose of research or fertility control treatments authorized by the Service. Permits shall be valid from January 15 through April 15.

(2) The operational plan shall include:

- (a) Type of operational permit being requested;
- (b) Written permission from the owner or owners of the land covered under the Operational Plan;
- (c) The area-specific deer problem;
- (d) The current and projected impacts of the operation to local social and ecological conditions;
- (e) All measures that have previously been taken to address the existing deer problem;
- (f) For Standard and Agricultural Permits, current documentation evidencing community support for the proposed operation, which shall be dated within 2 years of the proposed operation and include, but not be limited to:
 - (i) Results of opinion surveys;
 - (ii) Supporting letters from community leaders or elected officials; or
 - (iii) Supporting letters from nearby residents.
- (g) Letter of authorization from the county office of law permitting the use of centerfire rifles that are otherwise prohibited for deer hunting in the county;
- (h) Letter of authorization from the county office of law permitting discharge of weapons at night;
- (i) The intended number and sex of deer to be removed or handled, with disposal of antlered deer to be considered on a site-by-site basis;
- (j) Hours of operation;
- (k) Detailed description of the location of the operation with accompanying aerial photograph or location map;
- (l) Deer biological data collection procedures;
- (m) Copies of contracts between permit holders and landowners;
- (n) Specific details about lethal operations, including:
 - (i) A list of certified shooters, including full names and date of birth;
 - (ii) Weapons or euthanasia equipment to be used in the operation, including make, model, and caliber;
 - (iii) Ammunition or euthanasia drugs to be used in the operation;
 - (iv) Additional equipment, including, but not limited to, night vision, suppressors including brand name, spotlights, or trapping equipment;
 - (v) Shooting distances and positions, including, but not limited to, bait station, tree stand, or vehicle;

(vi) Copies of permits or licenses required from the State, federal, or local governments to possess deer or administer drugs to deer;

(vii) Carcass retrieval and tagging procedures;

(viii) Entrails removal and disposition procedures; and

(ix) Plan for final disposition of venison, including the name of the processing facility and contract documents related to disposition, in accordance with §G of this regulation;

(o) Specific details about non-lethal operations or operations that otherwise require the handling of live deer, including:

(i) Capture method to be used;

(ii) Types and volumes of anesthesia and immobilizing agents to be used;

(iii) A detailed description of drug delivery devices and methods;

(iv) Copies of permits or licenses required from the State, federal, or local governments to possess deer or administer drugs to deer;

(v) Drug handling certifications or licenses;

(vi) Deer handling equipment and methodology;

(vii) Live transport methods, including equipment and methodology;

(viii) Marking or tagging equipment and methods;

(ix) Disposition of deer; and

(x) Professional licensing documentation from any cooperating agencies, organizations, veterinarians, or individuals, including law enforcement, elected officials, communities, or government agencies; and

(p) For public safety permit holders, the following for annual renewal of their ongoing operational plan:

(i) A list of certified shooters including full name and date of birth;

(ii) Written permission from the owner or owners of the land covered under the Operational Plan;

(iii) If the office of law signatory changes, an updated letter of authorization from the county office of law permitting night-shooting and the use of centerfire rifles that are otherwise prohibited for deer hunting in the county where the operation occurs;

(iv) The intended number and sex of deer to be removed or handled, with antlered deer to be considered on a site -by-site basis;

(v) Hours of operation;

(vi) Plan for final disposition of venison, including the name of the processing facility and contract documents, in accordance with §G of this regulation.

(vii) Copies of contracts between permit holders and landowners; and

(viii) Any changes to the existing Operational Plan.

F. All deer taken under the authority of any Deer Cooperator License shall be processed for consumption unless the Deer Cooperator reports to the Department that the deer was unfit for consumption. The disposition of all deer shall be included in the report filed with the Department.

G. Deer taken on federal, State or county lands shall be commercially processed and donated to a local food bank unless another recipient of the donation or means of disposal is approved by the Service.

H. If the operational plan is conducted within the established Chronic Wasting Disease (CWD) Management Area described on the Service's website, the licensee:

(1) May be required to collect CWD samples and furnish them to the Service in accordance with approved collection methods per COMAR 08.03.04.22; and

(2) May be required to process all deer at an authorized commercial deer processor.

I. If the licensee is entering into a contract for deer cooperator services, the terms of the contract shall be provided for deer management services. All contracts shall include the parties to the contract, the price terms for all products and services, the time period covered by the contract, and any other requirements and deliverables contemplated by the parties.

J. The Service shall conduct an evaluation before approving or denying an operational plan.

K. If the Service approves the operational plan, it shall issue an approval document in writing to the licensed deer control cooperator. This approval document shall describe:

(1) The number of deer to be removed or handled;

(2) The hours of operation;

(3) Approved weapons and associated equipment;

(4) Location of the activities;

(5) Deer data collection requirements;

(6) Venison processing and nonedible parts disposition;

(7) Any reporting procedure that the Service determines is necessary;

(8) Any additional terms or conditions the Service determines are necessary to provide for public safety or the success of the plan; and

(9) A list of approved shooters.

L. A deer cooperator licensee shall contact local law enforcement and Natural Resources Police within 48 hours of undertaking the operational plan in accordance with the instructions on the approval document.

M. Appeal Procedure. An individual who has applied to the Service for a deer cooperator license or submitted an operational plan proposal as an approved deer cooperator permittee and has been denied a license or operational plan approval, may file, within 15 days after the decision was mailed, a petition for a hearing with the Director of the Service. The Director of the Service shall render a decision in writing to the complainant within 15 days after the date of the hearing. If the complainant is further aggrieved, the complainant may initiate proceedings for an appeal to the Secretary of Department of Natural Resources, Tawes State Office Building, Annapolis, Maryland 21401. The appeal procedure for the denial of a deer cooperator permit or operational plan approval is not a contested case hearing under State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, and COMAR 08.01.04.

N. The Service may revoke or suspend the deer cooperator license or permit if the Service finds that the licensee or any certified shooter violated:

(1) The terms and conditions of the permit;

(2) The terms and conditions of the approval document; or

(3) Any State or federal wildlife law or regulation.

O. The Service shall provide the opportunity for a contested case hearing conducted in accordance with State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, and COMAR 08.01.04 when suspending or revoking a deer cooperator permit.

P. Violation. A violation of any provision or restriction on the Deer Cooperator License or Deer Cooperator Operational Permit constitutes a violation of this regulation.

Q. The time of year requirements in §E(1) of this regulation shall sunset and have no further force and effect on January 1, 2025.

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Title 09 MARYLAND DEPARTMENT OF LABOR

Subtitle 01 OFFICE OF THE SECRETARY

09.01.12 Apprenticeship Maryland

Authority: Business Regulation Article, §2-105; Labor and Employment Article, §11-603(k); Annotated Code of Maryland

Notice of Proposed Action [22-308-P]

The Division of Workforce Development and Adult Learning proposes to repeal Regulations .01—.08 under **COMAR 09.01.12 Apprenticeship Maryland**.

Statement of Purpose

The Department proposes to repeal the Apprenticeship Maryland regulations under COMAR 09.01.12.01—.08 because the statute granting authority for the pilot youth apprenticeship program, Labor and Employment Article, §11-603, Annotated Code of Maryland, abrogated on June 30, 2018. The Department has partnered with the Maryland State Department of Education to issue a policy regarding the continuation of Apprenticeship Maryland. The Departments engaged in a formal policy development process with subject matter experts from each agency and other stakeholders to draft a policy which was then released for a public comment period, and ultimately resulted in a joint policy regarding Apprenticeship Maryland, the youth apprenticeship program.

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 Dylan McDonough, Policy Analyst, Maryland Department of Labor, Division of Workforce Development and Adult Learning, 1100 N Eutaw Street, Suite 108, Baltimore, MD 21201, or call 410-767-1890, or email to dylan.mcdonough@maryland.gov. Comments will be accepted through February 27, 2023. A public hearing has not been scheduled.

TIFFANY P. ROBINSON
Secretary of Labor

Subtitle 12 DIVISION OF LABOR AND INDUSTRY

Notice of Proposed Action [22-313-P-I]

The Secretary of Department of Labor proposes to:

- (1) Amend Regulations .02, .02-1, and .03 under **COMAR 09.12.50 Model Performance Code**; and
- (2) Amend Regulation .04 under **COMAR 09.12.51 Maryland Building Performance Standards**.

Statement of Purpose

The purpose of this action is to incorporate by reference the first edition of the most recent version of the following standards:

- (1) 2021 International Building Code;
- (2) 2021 International Plumbing Code;
- (3) 2021 International Residential Code for One- and Two-Family Dwellings;
- (4) 2021 International Mechanical Code;
- (5) 2021 International Energy Conservation Code; and
- (6) National Electric Code, 2020 Edition (NFPA 70).

As required by Public Safety Article, §12-503(b)(1)(iii), Annotated Code of Maryland, this action adopts modifications to the International Energy Conservation Code that allow for innovative approaches for compliance related to thermal energy code requirements by offering alternatives, including a “Maryland Alternative Prescriptive Compliance Path” that simplifies compliance for the industry and regulators in plain language and includes useful charts that provide equivalent or better energy performance. In addition, these same allowances for innovative approaches related to thermal energy code compliance are adopted for the International Residential Code for One- and Two-Family Dwellings.

Finally, this action updates references and removes redundant language in the Model Performance Code and the Maryland Building Performance Standards.

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, Department of Labor, Division of Labor and Industry, 10946 Golden West Drive, Suite 160, Hunt Valley, MD 21031, or call 410-767-2225, or email to dli.regulations+BC@maryland.gov. Comments will be accepted through February 27, 2023. A public hearing on the amendments will be held on February 7, 2023, at 9 a.m., at 10946 Golden West Drive, Suite 160, Hunt Valley, MD 21031.

Editor’s Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the following have been declared documents generally available to the public and appropriate for incorporation by reference:

- (1) 2021 International Building Code;
- (2) 2021 International Plumbing Code;
- (3) 2021 International Residential Code for One- and Two-Family Dwellings;
- (4) 2021 International Mechanical Code;
- (5) 2021 International Energy Conservation Code; and
- (6) National Electric Code, 2020 Edition (NFPA 70).

For this reason, they will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of these documents are filed in special public depositories located throughout the State. A list of these depositories was published in 50:1 Md. R. 7 (January 13, 2023), and is available online at www.dsd.state.md.us. These documents may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

09.12.50 Model Performance Code

Authority: Public Safety Article, §12-201(f), Annotated Code of Maryland

.02 General.

A. (text unchanged)

B. Application.

(1) (text unchanged)

(2) For industrialized buildings approved by an approved testing facility under COMAR 09.12.52 after the effective date of these regulations:

(a) This chapter and the codes incorporated by reference apply to any approved building provided that construction begins [prior to] *within* 6 months after the Department's adoption of the [2021] 2024 edition of the International Building Code; and

(b) The approved testing facility shall state in its approval letter to the Department and the manufacturer of the building:

(i) (text unchanged)

(ii) That approval will expire for a building unless construction begins [prior to] *within* 6 months after Department's adoption of the [2021] 2024 edition of the International Building Code.

(3) For industrialized buildings approved by an approved testing facility under COMAR 09.12.52 prior to the effective date of these regulations, the previous version of this chapter and the [2015] 2018 International Building Code shall apply provided that construction begins prior to 6 months after the effective date of these regulations.

C.—D. (text unchanged)

.02-1 Incorporation by Reference.

A. In this chapter, the following documents are incorporated by reference[, except as modified in Regulation .03 of this chapter].

B. Documents Incorporated.

(1) 2021 International Building Code (International Code Council), which is incorporated by reference in COMAR 09.12.51.04A(1) *and as modified in COMAR 09.12.51.04B*.

(2) [2018] 2021 International Plumbing Code (International Code Council)[.] *modified as follows*:

(a) *For industrialized building construction delete §404 and replace with COMAR 09.12.53 Maryland Accessibility Code; and*

(b) *For all other building construction, the plumbing code requirements and modifications adopted under Business Occupations and Professions Article, §§12-101—12-702, Annotated Code of Maryland, apply.*

(3) National Electric Code, [2017] 2020 Edition (NFPA 70), *except in Article 210.8(F) Ground-Fault Circuit Interrupter Protection for Personnel, Outdoor Outlets Exception include "and heating, air-conditioning, and refrigeration equipment that serve the dwelling."*

(4) 2021 International Residential Code for One- and Two-Family Dwellings (International Code Council), which is incorporated by reference in COMAR 09.12.51.04A(2)[.] *and as modified in COMAR 09.12.51.04C*.

(5) [2018] 2021 International Mechanical Code (International Code Council).

(6) 2021 International Energy Conservation Code (International Code Council), which is incorporated by reference in COMAR 09.12.51.04A(3) *and as modified in COMAR 09.12.51.04D*.

(7) (text unchanged)

.03 Model Performance Code.

A. The standards incorporated by reference in Regulation .02-1 of this chapter[, and modified as follows,] constitute the Model Performance Code for building construction in the State[.].

[(1) For industrialized building construction:

(a) International Building Code with the following modifications:

(i) Chapter 1. Delete Section 101.2.1 Appendices and replace with the following:

101.2.1 Appendices: All the provisions in the Appendices are adopted as part of the IBC except those in Appendices A, B, D, E, and K;

(ii) Chapter 9. Add note to Section 901.1 Scope: Fire protection system requirements of Chapter 9 may be concurrently covered in the State Fire Prevention Code, Public Safety Article, §§6-101—6-202, Annotated Code of Maryland, and COMAR 29.06.01;

(iii) Chapter 10. Add note to Section 1001.1 General: Means of egress requirements of Chapter 10 may be concurrently covered in the State Fire Prevention Code, Public Safety Article, §§6-101—6-602, Annotated Code of Maryland, and COMAR 29.06.01;

(iv) Chapter 11. Chapter 11, related to accessibility requirements, is hereby replaced with the Maryland Accessibility Code set forth in COMAR 09.12.53;

(v) Chapter 24. The requirements for safety glazing set forth in Public Safety Article, Title 12, Subtitle 4, Annotated Code of Maryland, are in addition to Chapter 24, Section 2406, of the IBC related to safety glazing. In the event of a conflict between Chapter 24 of the IBC and the Annotated Code of Maryland, the requirements of the Annotated Code of Maryland prevail;

(vi) Chapter 30. The provisions of Chapter 30 of the IBC relate to elevators and conveying systems and are in addition to and not instead of the requirements set forth in Public Safety Article, Title 12, Subtitle 8, Annotated Code of Maryland. In the event of a conflict between the IBC and the Annotated Code of Maryland, the provisions of the Annotated Code of Maryland prevail;

(b) International Plumbing Code with the following modification: Delete all of §404.0 — the subject matter is covered by Maryland Accessibility Code, COMAR 09.12.53;

(c) National Electrical Code,

(d) International Mechanical Code;

(e) International Residential Code for One- and Two-Family Dwellings with the following modifications:

(i) Chapter 1. Delete the Section 102.5 Appendices and replace with the following: 102.5 Appendices: All the provisions in the Appendices are adopted as part of the IRC except those in Appendices E, J, and L;

(ii) Add to Section N1102.4.1.2 (R402.4.1.2): Except as provided for in the Simulated Performance Path listed in Section N1105 (R405);

(iii) Add to Section N1102.4.1.2 (R402.4.1.2): Except as provided for in the Energy Rating Index Compliance Alternative Section N1106 (R406);

(iv) Modify Table N1105.5.2(1) (R405.5.2(1)) for Air Exchange Rate line item under the proposed design add "not to exceed 5 air changes per hour with baseline of 3 air changes per hour in climate zones 4 and 5 maintained for Standard Reference Design" after "The measured air exchange rate"; and

(v) Add exception to Section N1106.2 (R406.2): The maximum of 5 air changes per hour tested in accordance with Section N1102.4.1.2 (R402.4.1.2) may be used to determine the Energy Rating index score with baseline of 3 air changes per hour in climate zones 4 and 5 maintained for ERI Reference Design;

(f) International Energy Conservation Code with the following modification:

(i) Add a note to Section C405.2.4 Specific Application Controls: For the new construction of hotels, each hotel guest room shall be equipped with a master control device in compliance with COMAR 09.12.51.04D(2);

(ii) Add to Section R402.4.1.2: Except as provided for in the Simulated Performance Path listed in Section R405;

(iii) Add to Section R402.4.1.2: Except as provided for in the Energy Rating Index Compliance Alternative in Section R406;

(iv) Modify Table R405.5.2(1) for Air Exchange Rate line item under the proposed design add “not to exceed 5 air changes per hour with baseline of 3 air changes per hour in climate zones 4 and 5 maintained for Standard Reference Design” after “The measured air exchange rate”; and

(v) Add exception to Section R406.2: The maximum of 5 air changes per hour tested in accordance with Section R402.4.1.2 may be used to determine the Energy Rating index score with baseline of 3 air changes per hour in climate zones 4 and 5 maintained for ERI Reference Design;]

[(g)] B. If [an industrialized building manufacturer] a builder desires to or has been requested to construct a building to the International Green Construction Code (IGCC) standards they may use the IGCC in addition to the other codes in [§A(1) with the following modifications:

(i) Chapter 1. Delete Section 101.4 Appendices and replace with the following: All the provisions in the appendices are adopted as part of the IGCC except those in the appendices C and D;

(ii) Chapter 3. Add following note to Section 302.1 Item 1: In Table 302.1, Select “Yes” for residential buildings as indicated in Exception 1 to Section 101.3; and

(iii) The §A(1)(g) does not preempt the authority reserved to local jurisdictions to regulate matters in the IGCC including land use, site placement, and other matters that do not affect the structure or design of the industrialized building; and] *this regulation.*

[(h)] C. (text unchanged)

[(2) For all other building construction:

(a) The International Building Code with modifications related to building standards, as adopted under COMAR 09.12.51.04;

(b) Plumbing Code requirements adopted under Business Occupations and Professions Article, §§12-101—12-702, Annotated Code of Maryland;

(c) National Electrical Code;

(d) International Mechanical Code;

(e) The International Residential Code for One- and Two-Family Dwellings with modifications related to building standards, as adopted under COMAR 09.12.51.04;

(f) International Energy Conservation Code with modifications related to building standards, as adopted under COMAR 09.12.51.04; and

(g) If a builder desires to or has been requested to construct a building to the International Green Construction Code (IGCC) standards they may use the IGCC in addition to the other codes in §A(2).]

[B.] D. (text unchanged)

09.12.51 Maryland Building Performance Standards

Authority: Public Safety Article, §§12-503 and 507(a)(2), Annotated Code of Maryland

.04 Incorporation by Reference.

A. In this chapter, the following documents are incorporated by reference:

(1) [2018] 2021 International Building Code (International Code Council);

(2) [2018] 2021 International Residential Code for One- and Two-Family Dwellings (International Code Council); and

(3) [2018] 2021 International Energy Conservation Code (International Code Council); and

(4) 2012 International Green Construction Code (International Code Council, 500 New Jersey Avenue, N. W., 6th Floor, Washington DC 20001)].

B. Modifications to the International Building Code.

(1) (text unchanged)

(2) Chapter 1. [Delete] *Add to Exception in [the] Section 101.2 Scope [and replace with] the following:*

[(a) Exception: 1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the International Residential Code;]

[(b)] (a)—[(c)] (b) (text unchanged)

(3) Chapter 1. Delete the Section 101.2.1 Appendices and replace with the following:

101.2.1 Appendices: [All the] *The provisions in the Appendices C Group-U Agricultural Buildings, G Flood-Resistant Construction, and H Signs are adopted as part of the IBC [except those in Appendices A, B, D, E, and K].*

(4) Chapter 9. Add note to Section 901.1 Scope Fire protection system requirements of Chapter 9 may be concurrently covered in the State Fire Prevention Code, Public Safety Article, §§6-101—6-202.] *Title 6 and Title 9, Annotated Code of Maryland, and COMAR 29.06.01. The State Fire Prevention Code is enforced by the State Fire Marshal or authorized fire official.*

(5) *Chapter 10.* Add note to Section 1001.1 General: Means of egress requirements of Chapter 10 may be concurrently covered in the State Fire Prevention Code, Public Safety Article, §§6-101—6-602] *Title 6, Annotated Code of Maryland, and COMAR 29.06.01. The State Fire Prevention Code is enforced by the State Fire Marshal or authorized fire official.*

(6)—(11) (text unchanged)

(12) [Chapter 34.] Any rehabilitation work undertaken in an existing building as defined in COMAR 9.12.58 shall comply with the requirements of Maryland Building Rehabilitation Code set forth in COMAR 09.12.58.

(13) *Modify Section 308.5.1 Classification as Group E. At the end of Section 308.5.1, add “Exception: A childcare facility may be classified as I-4 when the facility is classified as a day care occupancy under the State Fire Prevention Code.”*

(14) *Modify Section 406.2.7 Electric vehicle charging stations and systems. Delete “Accessibility to electric vehicle charging stations shall be provided in accordance with Section 1107.”*

(15) *Modify Section 411.5 Puzzle room exiting. Delete item 3 and replace with “3. All exits and exit access doors from each puzzle room shall be open and readily available upon activation by the automatic fire alarm system, automatic sprinkler system, a manual control at a constantly attended location and shall have a readily accessible control located inside each puzzle room.”*

(16) *Modify Section 510.2 Horizontal building separation allowance with the following:*

(a) *Delete condition 4; and*

(b) *Condition 7. Replace “grade plane” with “lowest level of fire department vehicle access”.*

(17) *Modify Section 907.2.1.1 System initiation in Group A occupancies with an occupant load of 1,000 or more with the following:*

(a) *Replace section title with “System initiation in Group A occupancies with an occupant load of 300 or more; and*

(b) *Replace “1,000” with “300”.*

(18) *Modify Section 1004.8 Concentrated business use areas. Add “nail salons,” after “call centers,” and before “trading floors,”.*

C. Modifications to the International Residential Code for One- and Two-Family Dwellings:

(1) Chapter 1. *Scope and Administration*:

(a) Delete the Section 102.5 Appendices and replace with the following:

102.5 Appendices: [All the] *The provisions in the Appendices AF Radon Control Methods and AQ Tiny Houses* are adopted as part of the IRC [except those in Appendices E, J, and L.];

(b) *Add to Exception in Section 101.2 Scope the following*:

(i) *Exception: 2. Existing buildings undergoing repair, alterations or additions, and change of occupancy that comply with the Maryland Building Rehabilitation Code set forth in COMAR 09.12.58; and*

(ii) *Exception: 3. Maintenance of residential structures and premises shall comply with the Minimum Livability Code COMAR 09.12.54.*

(2) ENERGY. Chapter 11. ENERGY EFFICIENCY.

[a] Add to Section N1102.4.1.2 (R402.4.1.2): Except as provided for in the:

(i) Simulated Performance Path listed in Section N1105 (R405); and

(ii) Energy Rating Index Compliance Alternative in Section N1106 (R406);

(b) Modify Table N1105.5.2(1) (R405.5.2(1)) for Air Exchange Rate line item under the proposed design add “not to exceed 5 air changes per hour with baseline of 3 air changes per hour in climate zones 4 and 5 maintained for Standard Reference Design” after “The measured air exchange rate”; and

(c) Add exception to Section N1106.2 (R406.2): The maximum of 5 air changes per hour tested in accordance with Section R402.4.1.2 may be used to determine the Energy Rating index score with baseline of 3 air changes per hour in climate zones 4 and 5 maintained for ERI Reference Design.]

(a) *Modify Section N1101.13.15 Additional energy efficiency, add “4. For buildings complying with Section N1102.1.3.1, the structure shall also comply with the additional energy features in Section N1108.3.”*

(b) *Modify Section N1102.1.1 Above code programs. Add to the end of Section N1102.1.1, “Compliance with the Silver Rating of the ICC/ASHRAE 700-2015 National Green Building Standard as codified in §12-509(a) of the Annotated Code of Maryland shall be considered to be in compliance with this code.”*

(c) *Modify Section N1102.1.3:*

(i) *Add new “N1101.1.3.1 Maryland Alternative R-value. Assemblies with R-value of insulation materials equal to or greater than that specified in Table N1102.1.3.1 shall be an alternative to the U-factor in Table N1102.1 when combined with Section N1108.3. The provisions of Section N1108.2.1 shall be applied to the base model house to establish the reference base design establishing energy efficiency.”; and*

(ii) *Add the following table:*

Table N1102.1.3.1 (R402.1.3.1)										
MD Alternative Insulation Minimum R-Values and Fenestration Requirements by Component ^d										
Climate Zone	Fenestration U-Factor ^{b, i}	Skylight ^b U-Factor	Glazed Fenestration SHGC ^{b, e}	Ceiling R-Value	Wood Frame Wall R-Value ^g	Mass Wall R-Value ^h	Floor R-Value	Basement ^{c, g} Wall R-Value	Slab ^d R-Value & Depth	Crawl Space ^{c, g} Wall R-Value
4 except Marine	0.30	0.55	0.40	49	20 or 13+5 ^h	8/13	19	10ci or 13	10ci, 4ft	10ci or 13
5	0.30 ^f	0.55	0.40	49	20 or 13+5 ^h	13/17	30	15ci or 19 or 13 + 5ci	10ci, 4ft	15ci or 19 Or 13 + 5ci

For SI: 1 foot = 304.8 mm.

ci = continuous insulation.

^a. R-values are minimums. U-factors and SHGC are maximums. Where insulation is installed in a cavity that is less than the label or design thickness of the insulation, the installed R-value of the insulation shall be not less than the R-value specified in the table.

^b. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestrations. Exception: In Climate Zones 0 through 3, skylights shall be permitted to be excluded from glazed fenestration SHGC requirements provided that the SHGC for such skylights does not exceed 0.30.

^c. “10ci or 13” means R-10 continuous insulation (ci) on the interior or exterior surface of the wall or R-13 cavity insulation on the interior side of the wall. “15ci or 19 or 13 & 5ci” means R-15 continuous insulation (ci) on the interior or exterior surface of the wall; or R-19 cavity insulation on the interior side of the wall; or R-13 cavity insulation on the interior of the wall in addition to R-5 continuous insulation on the interior or exterior surface of the wall.

^d. R-5 insulation shall be provided under the full slab area of a heated slab in addition to the required slab edge insulation R-value for slabs. as indicated in the table. The slab-edge insulation for heated slabs shall not be required to extend below the slab.

^e. There are no SHGC requirements in the Marine Zone.

^f. Basement wall insulation is not required in Warm Humid locations as defined by Figure R301.1 and Table R301.1.

^g. The first value is cavity insulation; the second value is continuous insulation. Therefore, as an example, “13 & 5” means R-13 cavity insulation plus R-5 continuous insulation.

^h. Mass walls shall be in accordance with Section R402.2.5. The second R-value applies where more than half of the insulation is on the interior of the mass wall.

ⁱ. A maximum U-factor of 0.32 shall apply in Climate Zones 3 through 8 to vertical fenestration products installed in buildings located either:

¹. Above 4,000 feet in elevation, or

². In windborne debris regions where protection of openings is required by Section R301.2.1.2 of the International Residential Code.

(d) Modify Section N1102.2.1 Ceilings with attic spaces with the following:

(i) Add “or Section N1102.1.3.1” after “N1102.1.3” and before “requires R-49 insulation”; and

(ii) Add “or Section N1102.1.3.1” after “N1102.1.3” and before “requires R-60 insulation”.

(e) Modify Section N1102.2.2 Ceilings without attics with the following:

(i) Add “or Section N1102.1.3.1” after “N1102.1.3” and before “requires insulation R-values greater than R-30”; and

(ii) Add “or N1102.1.3.1” after “N1102.1.3” and before “shall be limited to”.

(f) Modify Section N1108 Additional Efficiency Package Options:

(i) Add new Section “N1108.3 Maryland Alternative Additional Energy Efficiency Package Options. The provisions of this Section shall be applied as part of the prescriptive compliance path of Section N1102.1.3.1. Additional energy efficiencies from Table N1108.3 must be selected to meet or exceed a minimum percentage increase of 6% for climate Zone 4 and 6% for Climate Zone 5.”; and

(ii) Add the following table:

Table N1108.3 (R408.3) Additional Energy Features ¹			
	Energy Feature	Percentage Increase for Climate Zone 4	Percentage Increase for Climate Zone 5
1	≥ 2.5% reduction in total UA ⁵	1%	1%
2	≥ 5% reduction in total UA ⁵	2%	3%
3	> 7.5% reduction in total UA ⁵	2%	3%
4	0.22 U-factor windows ⁵	3%	4%
5	High performance cooling system (Greater than or equal to 18 SEER and 14 EER air conditioner) ²	3%	2%
6	High performance cooling system (Greater than or equal to 16 SEER and 12 EER air conditioner) ²	3%	3%
7	High performance gas furnace (Greater than or equal to 96 AFUE natural gas furnace) ²	5%	7%
8	High performance gas furnace (Greater than or equal to 92 AFUE natural gas furnace) ²	4%	5%
9	High performance heat pump system (Greater than or equal to 10 HSPF/18 SEER air source heat pump.) ²	6%	6%
10	High performance heat pump system (Greater than or equal to 9 HSPF/16 SEER air source heat pump.) ²	5%	5%
11	Ground source heat pump (Greater than or equal to 3.5 COP ground source heat pump.) ²	6%	8%
12	Fossil fuel service water heating system (Greater than or equal to 82 EF fossil fuel service water-heating system.)	3%	2%
13	High performance heat pump water heating system option (Greater than or equal to 2.9 UEF electric service water-heating system.)	8%	6%
14	High performance heat pump water heating system. (Greater than or equal to 3.2 UEF electric service water-heating system.)	8%	6%
15	Solar hot water heating system (Greater than or equal to 0.4 solar fraction solar water-heating system.)	6%	6%
16	More efficient HVAC distribution system. (100 percent of ductless thermal distribution system or hydronic thermal distribution system located completely inside the building thermal envelope.)	10%	12%
17	100% of ducts in conditioned space. (100 percent of duct thermal distribution system located in conditioned space as defined by Section R403.3.2.)	12%	15%
18	Reduced total duct leakage. (When ducts are located outside conditioned space, the total leakage of the ducts, measured in accordance with R403.3.5, shall be in accordance with one of the following: a. Where air handler is installed at the time of testing, 2.0 cubic feet per minute per 100 square feet of conditioned floor area. b. Where air handler is not installed at the time of testing, 1.75 cubic feet per minute per 100 square feet of conditioned floor area.)	1%	1%
19	2 ACH50 air leakage rate with ERV or HRV installed. (Less than or equal to 2.0 ACH50, with either an Energy Recovery Ventilator (ERV) or Heat Recovery Ventilator (HRV) installed.) ³	10%	13%
20	2 ACH50 air leakage rate with balanced ventilation. (Less than or equal to 2.0 ACH50, with balanced ventilation as defined in Section 202 of the 2021 International Mechanical Code.) ⁴	4%	5%
21	1.5 ACH50 air leakage rate with ERV or HRV installed. (Less than or equal to 1.5 ACH50, with either an ERV or HRV installed.) ⁴	12%	15%
22	1 ACH50 air leakage rate with ERV or HRV installed. (Less than equal to 1.0 ACH50, with either an ERV or HRV installed.) ⁴	14%	17%
23	Energy Efficient Appliances (Minimum 3 appliances not to exceed 1 form each type with follow efficiencies. Refrigerator - Energy Star Program Requirements, Product Specification for Consumer Refrigeration Products, Version 5.1 (08/05/2021), Dishwasher - Energy Star Program Requirements for Residential Dishwashers, Version 6.0 (01/29/2016), Clothes Dryer - Energy Star Program Requirements, Product Specification for Clothes Dryers, Version 1.1 (05/05/2017) and Clothes Washer	7%	5%

	- Energy Star Program Requirements, Product Specification for Clothes Washers, Version 8.1 (02/05/2018)		
24	Renewable Energy Measure. ⁴	11%	9%
¹ Energy efficiency percentage increases as established by PNNL. ² For multiple cooling systems, all systems shall meet or exceed the minimum efficiency requirements in this section and shall be sized to serve 100 percent of the cooling design load. For multiple heating systems, all systems shall meet or exceed the minimum efficiency requirements in this section and shall be sized to serve 100 percent of the heating design load. Increases to minimum efficiency requirements are limited to one selection. ³ Minimum HRV and ERV requirements, measured at the lowest tested net supply airflow, shall be greater than or equal to 75 percent Sensible Recovery Efficiency (SRE), less than or equal to 1.1 cubic feet per minute per watt (0.03 m3/min/watt) and shall not use recirculation as a defrost strategy. In addition, the ERV shall be greater than or equal to 50 percent Latent Recovery/ Moisture Transfer (LRMT). ⁴ Renewable energy resources shall be permanently installed that have the capacity to produce a minimum of 1.0 watt of on-site renewable energy per square foot of conditioned floor area. The installed capacity shall be in addition to any onsite renewable energy required by Section R404.4. To qualify for this option, one of the following forms of documentation shall be provided to the code official: ^a Substantiation that the RECs associated with the on-site renewable energy are owned by, or retired on behalf of, the homeowner. ^b A contract that conveys to the homeowner the RECs associated with the on-site renewable energy or conveys to the homeowner an equivalent quantity of RECs associated with other renewable energy. ^c Reduction in total UA from lines 1, 2 or 3 and higher performance windows from line 4 are limited to a single selection.			

- (3)—(5) (text unchanged)
- (6) Modify Section P2904.1 by deleting “A backflow preventer shall not be required to separate a sprinkler system from the water distribution system, provided that the sprinkler system complies with all of the following:
- (a) The system complies with NFPA 13D or Section P2904;
 - (b) The piping material complies with Section P2906;
 - (c) The system does not contain antifreeze; and
 - (d) The system does not have a fire department connection.”
- D. Modifications to the International Energy Conservation Code.
- (1) (text unchanged)
- (2) Add a note to Section [C405.2.4] C405.2.5 Specific Application Controls: For the new construction of hotels:
- (a)—(b) (text unchanged)
- [(3) Add to Section R402.4.1.2: Except as provided for in the:
- (a) Simulated Performance Path listed in Section R405;
 - (b) Energy Rating Index Compliance Alternative in Section R406;

- (4) Modify Table R405.5.2(1) for Air Exchange Rate line item under the proposed design add “not to exceed 5 air changes per hour with baseline of 3 air changes per hour in climate zones 4 and 5 maintained for Standard Reference Design” after “The measured air exchange rate”; and
- (5) Add exception to Section R406.2: The maximum of 5 air changes per hour tested in accordance with Section R402.4.1.2 may be used to determine the Energy Rating index score with baseline of 3 air changes per hour in climate zones 4 and 5 maintained for ERI Reference Design.]
- (3) Modify Section R102.1.1 Above code programs. Add to the end of Section R102.1.1, “Compliance with the Silver Rating of the ICC/ASHRAE 700-2015 National Green Building Standard as codified in §12-509(a) of the Annotated Code of Maryland shall be considered to be in compliance with this code.”
- (4) Modify Section R401.2.5 Additional energy efficiency add “4. For buildings complying with Section R402.1.3.1, the structure shall also comply with the additional energy features in Section R408.3.”

- (5) Modify Section R402.1.3 R-Value Alternative with the following:
- (a) Add new “R402.1.3.1 Maryland Alternative R-value. Assemblies with R-value of insulation materials equal to or greater than that specified in Table R402.1.3.1 shall be an alternative to the U-factor in Table R402.1.2 when combined with Section R408.3. The provisions of Section R408.2.1 shall be applied to the base model house to establish the reference base design establishing energy efficiency.”; and
- (b) Add the following table:

Table R402.1.3.1										
MD Alternative Insulation Minimum R-Values and Fenestration Requirements by Component ^a										
Climate Zone	Fenestration U-Factor ^{b, i}	Skylight ^b U-Factor	Glazed Fenestration SHGC ^{b, e}	Ceiling R-Value	Wood Frame Wall R-Value ^g	Mass Wall R-Value ^h	Floor R-Value	Basement ^{c, g} Wall R-Value	Slab ^d R-Value & Depth	Crawl Space ^{c, g} Wall R-Value
4 except Marine	0.30	0.55	0.40	49	20 or 13+5 ^h	8/13	19	10ci or 13	10ci, 4ft	10ci or 13
5	0.30 ⁱ	0.55	0.40	49	20 or 13+5 ^h	13/17	30	15ci or 19 or 13 + 5ci	10ci, 4ft	15ci or 19 Or 13 + 5ci

For SI: 1 foot = 304.8 mm.

ci = continuous insulation.

^a R-values are minimums. U-factors and SHGC are maximums. Where insulation is installed in a cavity that is less than the label or design thickness of the insulation, the installed R-value of the insulation shall be not less than the R-value specified in the table.

^b The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestrations. Exception: In Climate Zones 0 through 3, skylights shall be permitted to be excluded from glazed fenestration SHGC requirements provided that the SHGC for such skylights does not exceed 0.30.

- ^{c.} "10ci or 13" means R-10 continuous insulation (ci) on the interior or exterior surface of the wall or R-13 cavity insulation on the interior side of the wall. "15ci or 19 or 13 & 5ci" means R-15 continuous insulation (ci) on the interior or exterior surface of the wall; or R-19 cavity insulation on the interior side of the wall; or R-13 cavity insulation on the interior of the wall in addition to R-5 continuous insulation on the interior or exterior surface of the wall.
- ^{d.} R-5 insulation shall be provided under the full slab area of a heated slab in addition to the required slab edge insulation R-value for slabs, as indicated in the table. The slab-edge insulation for heated slabs shall not be required to extend below the slab.
- ^{e.} There are no SHGC requirements in the Marine Zone.
- ^{f.} Basement wall insulation is not required in Warm Humid locations as defined by Figure R301.1 and Table R301.1.
- ^{g.} The first value is cavity insulation; the second value is continuous insulation. Therefore, as an example, "13 & 5" means R-13 cavity insulation plus R-5 continuous insulation.
- ^{h.} Mass walls shall be in accordance with Section R402.2.5. The second R-value applies where more than half of the insulation is on the interior of the mass wall.
- ^{i.} A maximum U-factor of 0.32 shall apply in Climate Zones 3 through 8 to vertical fenestration products installed in buildings located either:
- ^{1.} Above 4,000 feet in elevation, or
- ^{2.} In windborne debris regions where protection of openings is required by Section R301.2.1.2 of the International Residential Code.

(6) Modify Section R402.2.1 Ceilings with attic spaces with the following:

- (a) Add "or Section R402.1.3.1" after "R402.1.3" and before "requires R-49 insulation"; and
- (b) Add "or Section R402.1.3.1" after "R402.1.3" and before "requires R-60 insulation".

(7) Modify Section R402.2.2 Ceilings without attics with the following:

- (a) Add "or Section R402.1.3.1" after "R402.1.3" and before "requires insulation R-values greater than R-30"; and
- (b) Add "or R402.1.3.1" after "R402.1.3" and before "shall be limited to".

(8) Modify Section R408 Additional Efficiency Package Options:

(a) Add new Section "R408.3 Maryland Alternative Additional Energy Efficiency Package Options. The provisions of this Section shall be applied as part of the prescriptive compliance path of Section R402.1.3.1. Additional energy efficiencies from Table R408.3 must be selected to meet or exceed a minimum percentage increase of 6% for climate Zone 4 and 6% for Climate Zone 5."; and

(b) Add the following table: Table R408.3 Additional Energy Features:

	Energy Feature	Percentage Increase for Climate Zone 4	Percentage Increase for Climate Zone 5
1	≥ 2.5% reduction in total UA ⁵	1%	1%
2	≥ 5% reduction in total UA ⁵	2%	3%
3	> 7.5% reduction in total UA ⁵	2%	3%
4	0.22 U-factor windows ⁵	3%	4%
5	High performance cooling system (Greater than or equal to 18 SEER and 14 EER air conditioner) ²	3%	2%
6	High performance cooling system (Greater than or equal to 16 SEER and 12 EER air conditioner) ²	3%	3%
7	High performance gas furnace (Greater than or equal to 96 AFUE natural gas furnace) ²	5%	7%
8	High performance gas furnace (Greater than or equal to 92 AFUE natural gas furnace) ²	4%	5%
9	High performance heat pump system (Greater than or equal to 10 HSPF/18 SEER air source heat pump.) ²	6%	6%
10	High performance heat pump system (Greater than or equal to 9 HSPF/16 SEER air source heat pump.) ²	5%	5%
11	Ground source heat pump (Greater than or equal to 3.5 COP ground source heat pump.) ²	6%	8%
12	Fossil fuel service water heating system (Greater than or equal to 82 EF fossil fuel service water-heating system.)	3%	2%
13	High performance heat pump water heating system option (Greater than or equal to 2.9 UEF electric service water-heating system.)	8%	6%
14	High performance heat pump water heating system. (Greater than or equal to 3.2 UEF electric service water-heating system.)	8%	6%
15	Solar hot water heating system (Greater than or equal to 0.4 solar fraction solar water-heating system.)	6%	6%
16	More efficient HVAC distribution system. (100 percent of ductless thermal distribution system or hydronic thermal distribution system located completely inside the building thermal envelope.)	10%	12%
17	100% of ducts in conditioned space. (100 percent of duct thermal distribution system located in conditioned space as defined by Section R403.3.2.)	12%	15%
18	Reduced total duct leakage. (When ducts are located outside conditioned space, the total leakage of the ducts, measured in accordance with R403.3.5, shall be in accordance with one of the following: a. Where air handler is installed at the time of testing, 2.0 cubic feet per minute per 100 square feet of conditioned floor area.	1%	1%

	<i>b. Where air handler is not installed at the time of testing, 1.75 cubic feet per minute per 100 square feet of conditioned floor area.)</i>		
19	2 ACH50 air leakage rate with ERV or HRV installed. (Less than or equal to 2.0 ACH50, with either an Energy Recovery Ventilator (ERV) or Heat Recovery Ventilator (HRV) installed.) ³	10%	13%
20	2 ACH50 air leakage rate with balanced ventilation. (Less than or equal to 2.0 ACH50, with balanced ventilation as defined in Section 202 of the 2021 International Mechanical Code.) ⁴	4%	5%
21	1.5 ACH50 air leakage rate with ERV or HRV installed. (Less than or equal to 1.5 ACH50, with either an ERV or HRV installed.) ⁴	12%	15%
22	1 ACH50 air leakage rate with ERV or HRV installed. (Less than equal to 1.0 ACH50, with either an ERV or HRV installed.) ⁴	14%	17%
23	Energy Efficient Appliances (Minimum 3 appliances not to exceed 1 form each type with follow efficiencies. Refrigerator - Energy Star Program Requirements, Product Specification for Consumer Refrigeration Products, Version 5.1 (08/05/2021), Dishwasher - Energy Star Program Requirements for Residential Dishwashers, Version 6.0 (01/29/2016), Clothes Dryer - Energy Star Program Requirements, Product Specification for Clothes Dryers, Version 1.1 (05/05/2017) and Clothes Washer - Energy Star Program Requirements, Product Specification for Clothes Washers, Version 8.1 (02/05/2018)	7%	5%
24	Renewable Energy Measure. ⁴	11%	9%
¹ . Energy efficiency percentage increases as established by PNNL. ² . For multiple cooling systems, all systems shall meet or exceed the minimum efficiency requirements in this section and shall be sized to serve 100 percent of the cooling design load. For multiple heating systems, all systems shall meet or exceed the minimum efficiency requirements in this section and shall be sized to serve 100 percent of the heating design load. Increases to minimum efficiency requirements are limited to one selection. ³ . Minimum HRV and ERV requirements, measured at the lowest tested net supply airflow, shall be greater than or equal to 75 percent Sensible Recovery Efficiency (SRE), less than or equal to 1.1 cubic feet per minute per watt (0.03 m3/min/watt) and shall not use recirculation as a defrost strategy. In addition, the ERV shall be greater than or equal to 50 percent Latent Recovery/Moisture Transfer (LRMT). ⁴ . Renewable energy resources shall be permanently installed that have the capacity to produce a minimum of 1.0 watt of on-site renewable energy per square foot of conditioned floor area. The installed capacity shall be in addition to any onsite renewable energy required by Section R404.4. To qualify for this option, one of the following forms of documentation shall be provided to the code official: ^a . Substantiation that the RECs associated with the on-site renewable energy are owned by, or retired on behalf of, the homeowner. ^b . A contract that conveys to the homeowner the RECs associated with the on-site renewable energy or conveys to the homeowner an equivalent quantity of RECs associated with other renewable energy. ^c . Reduction in total UA from lines 1, 2 or 3 and higher performance windows from line 4 are limited to a single selection.			

E. (text unchanged)

TIFFANY P. ROBINSON
Secretary of Labor

Subtitle 12 DIVISION OF LABOR AND INDUSTRY

09.12.57 International Green Construction Code

Authority: Public Safety Article, §12-503(d), Annotated Code of Maryland

Notice of Proposed Action

[22-317-P-I]

The Secretary of Labor proposes to adopt new Regulations .01 and .02 under a new chapter, **COMAR 09.12.57 International Green Construction Code**.

Statement of Purpose

The purpose of this action is to incorporate by reference the first edition of the most recent version of the International Green Construction Code as required by Ch. 38 (SB528), Acts of 2022.

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+igcc@maryland.gov. Comments will be accepted through February 27, 2023. A public hearing has not been scheduled.

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the 2021 International Green Construction Code (IgCC), International Code Council, 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 50:1 Md. R. 7 (January 13, 2023), 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 adopt the International Green Construction Code (IgCC).

.02 Incorporation by Reference.

The 2021 International Green Construction Code (IgCC), International Code Council, is incorporated by reference.

TIFFANY P. ROBINSON
Secretary Maryland Department of Labor

Subtitle 12 DIVISION OF LABOR AND INDUSTRY

09.12.58 Maryland Building Rehabilitation Code Regulations

Authority: Public Safety Article, §§12-1004 and 12-1007(a), Annotated Code of Maryland

Notice of Proposed Action

[22-321-P-I]

The Secretary of Labor proposes to amend Regulations **.03** and **.04** under **COMAR 09.12.58 Maryland Building Rehabilitation Code Regulations**.

Statement of Purpose

The purpose of this action is to incorporate by reference the first edition of the most recent version of the International Existing Building Code. This action also clarifies and simplifies references to the Maryland Accessibility Code and corrects a reference under definitions.

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+IEBC@maryland.gov. Comments will be accepted through February 27, 2023. A public hearing has not been scheduled.

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the 2021 International Existing Building Code (International Code Council) 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 50:1 Md. R. 7 (January 13, 2023), 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.

.03 Incorporation by Reference.

A. The [2018] 2021 International Existing Building Code (International Code Council), as described in this chapter, is incorporated by reference.

B. The [2018] International Existing Building Code, as incorporated by reference under §A of this regulation and described

in this chapter, shall constitute the Maryland Building Rehabilitation Code.

C. Modifications to the [2018] International Existing Building Code.

(1) (text unchanged)

(2) Chapter 1. Delete Section 101.6 Appendices and replace with the following: 101.6 Appendices. The Appendices A [through] and C and Resource A are adopted as part of this code.

(3)—(5) (text unchanged)

(6) Chapter 3. Delete Section 306 and replace with the following: COMAR 09.12.53 shall be referenced for minimum requirements in providing accessibility and usability of buildings and facilities by individuals with disabilities.

[(6) Chapter 3. Delete Section 305.1 Scope and replace with the following: 305.1 Scope. The provisions of Sections 305.1 through 305.9 apply to maintenance, change of occupancy, additions and alterations to existing buildings including those identified as historic buildings. For additions, alterations, or change of use of existing buildings of four or more dwelling units, the alteration, change of use or addition to an existing residential building of four or more units shall comply as follows:

(a) Dwelling units shall comply by either:

(i) Containing at least one dwelling unit for every 25 dwelling units, or fraction of dwelling units, in the structure that is accessible and usable according to the requirements pertaining to dwelling units in ANSI A117.1-1986, with the complying dwelling units proportionally distributed throughout all types of units, or

(ii) Having dwelling units at the accessible levels comply with the requirements for Type B dwelling units.

(b) If the addition or alteration involves common area facilities and parking, it shall be accessible in accordance with the Maryland Accessible Code pertaining to covered multifamily dwellings.

(7) Chapter 3. Delete Exception to Section 305.4 Change of Occupancy.

(8) Chapter 3. Delete Exception 3 and Exception 4 to Section 305.6 Alterations.

(9) Chapter 3. Delete Section 305.8.8 Type B dwelling or sleeping units.]

.04 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) "Complex rehabilitation project involving multiple codes" means a rehabilitation project or portion of a project that involves two or more construction codes listed in Regulation [11B] .06B of this chapter and is in:

(a)—(b) (text unchanged)

(3)—(4) (text unchanged)

(5) "International Existing Building Code (IEBC)" means the [2015] International Existing Building Code, as incorporated by reference under Regulation .03 of this chapter.

(6)—(8) (text unchanged)

TIFFANY P. ROBINSON
Secretary of Labor

Title 10

MARYLAND DEPARTMENT OF HEALTH

Notice of Proposed Action

[22-337-P]

The Secretary of Health proposes to amend:

(1) Regulations **.02—**~~**.04**~~ and **.06** under **COMAR 10.09.21 Pharmacists**; and

(2) Regulation **.04** under **COMAR 10.67.06 Maryland Medicaid Managed Care Program: Benefits**.

Statement of Purpose

The purpose of this action is to expand coverage for the administration of injectable medications for the treatment of sexually transmitted infections and maintenance injectable medications when performed by a pharmacist in accordance with Ch. 758 (S.B. 84), Acts of 2021, and Ch. 720 (S.B. 19), Acts of 2022.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action establishes Medical Assistance coverage for the expansion of coverage for the administration of injectable medications for the treatment of sexually transmitted infections (STI) and maintenance injectable medications when performed by a pharmacist effective January 1, 2023. The Program anticipates an economic impact of \$25,000 in Fiscal Year (FY) 2023.

II. Types of Economic Impact.

Impacted Entity	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On Issuing agency:		
Maryland Department of Health	(E+)	\$25,000
B. On other state agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
Maryland Medicaid providers	(+)	\$25,000
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. This amount assumes:

(1) For dates of service beginning January 1, 2023, the Program will begin reimbursing for the administration of injectable medications for the treatment of sexually transmitted infections and maintenance injectable medications when performed by a pharmacist.

(2) The number of participants estimated to newly seek administration of an injection by a pharmacist in FY 2023 is 1,629. The Program estimates it will reimburse services at a rate of approximately \$15.35 per administration.

(3) The total impact of this new benefit for the applicable 6 months of coverage in FY 2023 is \$25,000.

(4) This amount is subject to a 60 percent blended federal match (\$15,000 federal funds and \$10,000 general funds).

Economic Impact on Small Businesses

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

To the extent that small businesses are enrolled as Maryland Medicaid pharmacists, they may bill and be reimbursed for the newly covered services and benefit from reimbursement from the newly covered services.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Jourdan Green, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499, or email to mdh.regs@maryland.gov. Comments will be accepted through February 27, 2023. A public hearing has not been scheduled.

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.21 Pharmacists

Authority: Health-General Article, §§2-104(b), 2-105(b), 15-103, and 15-148(c), Annotated Code of Maryland

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(2) (text unchanged)

(3) *“Injectable medication for treatment of a sexually transmitted infection” means a medication that:*

(a) *Is administered by injection other than intravenously;*

(b) *Treats a sexually transmitted infection; and*

(c) *Is not a vaccine.*

(4) *“Maintenance injectable medication” has the meaning stated in COMAR 10.34.41.02.*

[(3)] (5)—[(9)] (11) (text unchanged)

.03 Provider Qualifications and Conditions for Participation.

A.—B. (text unchanged)

C. *A pharmacist who administers maintenance injectable medications shall:*

(1) *Meet all Board requirements to administer maintenance injectable medications set forth in COMAR 10.34.41.03;*

(2) *Have completed a Board-approved training program, as set forth in COMAR 10.34.41.04; and*

(3) *Meet all record-keeping requirements set forth in COMAR 10.34.41.05.*

D. *A pharmacist who administers injectable medications for the treatment of sexually transmitted infection shall:*

(1) *Meet all applicable Board requirements to administer injectable medications for the treatment of sexually transmitted infection; and*

(2) *Have completed any applicable Board-approved training programs.*

.04 Covered Services.

The following services are covered under this chapter:

A. *Contraceptive services, as follows:*

[A.] (1) *A patient assessment performed at the pharmacist’s practice location in order to determine:*

[(1)] (a)—[(2)] (b) (text unchanged)

[B.] (2) If contraceptives are prescribed, a referral:

[(1)] (a)—[(2)] (b) (text unchanged)

B. Administration of injectable medications for the treatment of sexually transmitted infection.

C. Administration of maintenance injectable medications.

.06 Payment Procedures.

A. The provider shall [submit the request for payment of services rendered according to procedures established by the Department and in the form designated by the Department] *adhere to general provider payment procedures established in COMAR 10.09.36.04.*

[B. The Department reserves the right to return to the provider, before payment, all invoices not properly signed, completed, and accompanied by properly completed forms required by the Department.]

[C.] B. (text unchanged)

[D. Payment advances are not made routinely.

E. The Program will make no direct payment to participants.

F. Billing time limitations for claims submitted pursuant to this chapter are set forth in COMAR 10.09.36.06.]

Subtitle 67 MARYLAND HEALTHCHOICE PROGRAM

10.67.06 Maryland Medicaid Managed Care Program: Benefits

Authority: Health-General Article, Title 15, Subtitle 1, Annotated Code of Maryland

.04 Benefits — Pharmacy Services.

A.—D. (text unchanged)

E. An MCO shall provide coverage for the following when performed by a pharmacist:

(1) Contraceptive services, as follows:

(a) A patient assessment performed at the pharmacist's practice location in order to determine:

(i) Whether to prescribe contraceptives; and

(ii) Which contraceptive options to prescribe; and

(b) If contraceptives are prescribed, a referral:

(i) To the participant's primary care practitioner or reproductive health care practitioner; or

(ii) If the participant does not have a primary care practitioner or a reproductive health care practitioner, to a family planning provider or a licensed clinician who provides reproductive health care services.

(2) Administration of:

(a) Injectable medications for the treatment of sexually transmitted infection; and

(b) Maintenance injectables medications.

[E.] F. (text unchanged)

[F.] G. Any option for accessing pharmacy services by mail order may be implemented only at the request of the enrollee except for when the drug is a specialty drug as defined in [§G] §H of this regulation.

[G.] H.—[I.] J. (text unchanged)

[J.] K. The Department shall:

(1) (text unchanged)

(2) Notify an MCO annually if any of the standards established in [§I(2)] §J(2) of this regulation have not been met.

[K.] L. For any performance standard identified in [§J(2)] §K(2) of this regulation, MCOs shall acknowledge any deficiencies within 30

days and correct any deficiencies within 90 days or be subject to sanctions listed in COMAR 10.67.10.01A and B.

DENNIS R. SCHRADER

Secretary of Health

Subtitle 09 MEDICAL CARE PROGRAMS

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

Authority: Health-General Article, §§2-104(b), 15-103, [and] 15-105, and 15-141.2, Annotated Code of Maryland

Notice of Proposed Action

[22-350-P]

The Secretary of Health proposes to amend Regulations .01, .04, .05, .09-1, and .12 under **COMAR 10.09.46 Home and Community-Based Services Waiver for Individuals with Brain Injury**.

Statement of Purpose

The purpose of this action is to codify coverage for Brain Injury Waiver services provided to Maryland Medicaid participants via virtual supports as authorized, in accordance with the approved renewal of the waiver application, and to expand the settings where day habilitation service may be rendered. Additionally, this action incorporates the Brain Injury Waiver services fee schedule.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action will increase reimbursement for Brain Injury services based on provisions of the Governor's Fiscal Year 2023 budget and the supplemental budget. Effective July 1, 2022, Brain Injury Waiver providers received a 7.25 percent rate increase over FY 2022 levels. The first quarter of FY 2023 (July 1, 2022 through September 30, 2022) includes an additional one-time emergency temporary 4 percent rate increase. The total impact of these increases for FY 2023 is \$1,472,538.81.

II. Types of Economic Impact.

Impacted Entity	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On Issuing agency:		
Maryland Department of Health	(E+)	\$1,472,538.81
B. On other state agencies:		
	NONE	
C. On local governments:		
	NONE	
D. On regulated industries or trade groups:		
Maryland Medicaid providers	(+)	\$1,472,538.81
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. This amount assumes:

(1) Effective July 1, 2022, Brain Injury Waiver providers received a 7.25 percent rate increase over FY 2022 levels. Brain Injury Waiver providers also received an additional, one-time emergency temporary 4 percent rate increase for the first quarter of FY 2023 (July 1, 2022 through September 30, 2022).

(2) Effective October 1, 2022, Brain Injury Waiver provider rates will reflect only a 7.25 percent rate increase over FY 2022 levels, for the remaining quarters of FY 2023 (October 1, 2022 through June 30, 2023).

(3) This represents an estimated \$1,472,538.81 increase in total funds for the program (43.8 percent general funds \$644,972.00; 56.2 percent federal funds \$827,566.81).

Economic Impact on Small Businesses

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

Many of the providers of home and community-based services under this chapter are small businesses. To the extent that Brain Injury Waiver providers qualify as small businesses, they will benefit from the rate increase included in this action.

Impact on Individuals with Disabilities

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

Individuals with disabilities receive services provided under this chapter and will benefit to the extent that improved funding will enable providers to maintain quality services. Additionally, the proposed action clarifies coverage for virtual supports.

Opportunity for Public Comment

Comments may be sent to Jourdan Green, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499, or email to mdh.regs@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)—(12) (text unchanged)

(13) “Individual support services (ISS)” means [individual supports provided to a participant to support independence in the participant’s own home or community.] *assistance with acquisition, retention, or improvement in skills related to self-help, socialization, and/or adaptive skills furnished in the participant’s home or community by a provider who does not have round-the-clock responsibility for the participant’s health and welfare.*

(14)—(24) (text unchanged)

(25) “Virtual supports” is an electronic method of service delivery used to maintain or improve a participant’s functional abilities, enhance interactions, support meaningful relationships, and promote their ability to live independently and meaningfully participate in their community.

[(25)] (26) (text unchanged)

.04 Program Model.

A. (text unchanged)

B. Development of the Initial Waiver Plan of Care. Before the start of waiver services:

(1) A case manager shall meet with the participant or the participant’s legal representative, *in person or remotely*, to develop the initial waiver plan of care;

(2)—(3) (text unchanged)

C. Waiver Plan of Care.

(1) The participant’s waiver plan of care:

(a)—(b) (text unchanged)

(c) Specifies for each preauthorized waiver service the following information, as appropriate:

(i)—(v) (text unchanged)

(vi) *Approved service delivery mode;*

[(vi)] (vii)—[(vii)] (viii) (text unchanged)

(d)—(f) (text unchanged)

(2) (text unchanged)

D. (text unchanged)

.05 Conditions for Provider Participation — General.

General requirements for participation in the Medical Assistance Program as a provider of BI waiver services are that the provider, with the exception of a medical day care provider, shall:

A.—H. (text unchanged)

I. Agree to provide and bill BHA or its authorized representative for only those services covered under this chapter which have been preauthorized in the participant’s waiver plan of care; [and]

J. Be ineligible to participate in the BI Waiver if the provider or any of its *current or previous* principals [were previously Medicaid providers, or its principals were principals of Medicaid providers that] have overpayments that remain due and owing to the Department[.];

K. *Provide services in person, except as authorized by the Department; and*

L. *If providing services via virtual supports, comply with the requirements established in Regulation .09-1 of this chapter.*

.09-1 Covered Services — Individual Support Services.

A. (text unchanged)

[B. The covered services may include but are not limited to assistance with:

(1) Activities of daily living;

(2) Budgeting and money management;

(3) Completing homework;

(4) Preparing meals;

(5) House cleaning, chores, and laundry;

(6) Grocery shopping;

(7) Using public transportation;

(8) Attending school or social events;

(9) Participating in any form of recreation or leisure activities;

(10) Participating in organized worship or spiritual activities;

(11) Volunteering and working;

(12) The coordination of medical care, public resources, and community supports; and

(13) Development of strategies to compensate for cognitive deficits.]

B. *The service involves the training and development of compensatory strategies and skills such that a waiver participant may learn to initiate and complete activities on their own to fully engage in their community, live independently, and compensate for cognitive and behavioral deficits related to short term memory, planning, attention, concentration, impulse control, and judgment, with the intended goal of minimizing the level of staff support the individual needs over time and preventing institutionalization.*

C.—D. (text unchanged)

E. *Services may be provided in-person or via virtual supports as determined appropriate by the Department.*

F. *Providers delivering services via virtual supports:*

(1) *Shall ensure the participant’s rights of privacy, dignity, and respect, and freedom from coercion and restraint; and*

(2) *May provide direct support via virtual supports according to the following requirements and restrictions:*

(a) *Virtual supports do not isolate the participant from integration in the community or interacting with people without disabilities;*

(b) *The use of virtual supports is based on the participant's preferences, has been agreed to by the participant and their team, and is outlined in the Plan of Service (POS);*

(c) *Virtual supports may not be used for the provider's convenience;*

(d) *The use of virtual supports and the service delivery method shall be documented per State requirements, policies, and guidance;*

(e) *Text messaging and emailing do not constitute virtual supports;*

(f) *The virtual supports shall comply with the requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended by the Health Information Technology for Economic and Clinical Health (HITECH) Act, and their applicable regulations to protect the privacy and security of the participant's protected health information;*

(g) *ISS may not be provided entirely via virtual supports;*

(h) *Virtual supports shall allow flexibility of service delivery and supplement in-person direct supports as recommended and monitored by the case manager;*

(i) *The provider shall develop, maintain, and enforce written policies, approved by BHA, which address their procedures for ensuring:*

(i) *The participant's rights of privacy, dignity, and respect, and freedom from coercion and restraint;*

(ii) *The virtual supports meet applicable information security standards; and*

(iii) *Their provision of virtual supports complies with applicable laws governing individuals' right to privacy;*

(j) *The provider shall train direct support staff on their policies and advise participants and their person-centered planning teams regarding the policies that indicate how a participant's needs, including health and safety, will be addressed safely via virtual supports;*

(k) *The virtual supports shall meet all federal and State requirements, policies, guidance, and regulations;*

(l) *The provider shall ensure that virtual supports are accessible to the participant and provide in-person trainings, prior to the initiation of virtual services, to help the participant learn to use the required technology independently; and*

(m) *Video cameras/monitors are not permitted in bedrooms and bathrooms.*

.12 Payment Procedures.

A.—B. (text unchanged)

C. Payments.

(1) (text unchanged)

(2) *The Program shall pay [for waiver services according to the fee-for-service schedule set forth in COMAR 10.21.25, with the exception of medical day care services.] according to the following fee-for-service schedule:*

(a) *Residential habilitation reimbursed at:*

(i) *\$276.59 from July 1, 2022 to September 30, 2022, then effective October 1, 2022 at \$266.64 per day for Level 1;*

(ii) *\$366.22 from July 1, 2022 to September 30, 2022, then effective October 1, 2022 at \$353.06 per day for Level 2; and*

(iii) *\$506.64 from July 1, 2022 to September 30, 2022, then effective October 1, 2022 at \$488.43 per day for Level 3;*

(b) *Day habilitation reimbursed at:*

(i) *\$71.41 from July 1, 2022 to September 30, 2022, then effective October 1, 2022 at \$68.84 per day for Level 1;*

(ii) *\$124.57 from July 1, 2022 to September 30, 2022, then effective October 1, 2022 at \$120.09 per day for Level 2; and*

(iii) *\$175.24 from July 1, 2022 to September 30, 2022, then effective October 1, 2022 at \$168.84 per day for Level 3;*

(c) *Supported employment reimbursed at:*

(i) *\$42.36 from July 1, 2022 to September 30, 2022, then effective October 1, 2022 at \$40.84 per day for Level 1;*

(ii) *\$71.41 from July 1, 2022 to September 30, 2022, then effective October 1, 2022 at \$68.84 per day for Level 2; and*

(iii) *\$175.24 from July 1, 2022 to September 30, 2022, then effective October 1, 2022 at \$168.84 per day for Level 3; and*

(d) *Individual support services (ISS): reimbursed at the maximum rate of \$8.6553 per 15 minutes from July 1, 2022 to September 30, 2022, then effective October 1, 2022 at \$8.3440 per 15 minutes.*

(3) (text unchanged)

(4) *Program rates specified in this regulation shall increase each fiscal year through FY 2026, subject to the limitations of the State budget.*

DENNIS R. SCHRADER
Secretary of Health

Subtitle 37 HEALTH SERVICES COST REVIEW COMMISSION

10.37.01 Uniform Accounting and Reporting System for Hospitals and Related Institutions

Authority: Health-General Article, §§19-207 and 19-215, Annotated Code of Maryland

Notice of Proposed Action

[22-352-P-I]

The Health Services Cost Review Commission proposes to amend Regulation .02 under COMAR 10.37.01 **Uniform Accounting and Reporting System for Hospitals and Related Institutions**. This action was considered and approved for promulgation by the Commission at an open meeting held on October 12, 2022, notice of which was given through the Commission's website.

Statement of Purpose

The purpose of this action is to update the Commission's manual entitled "Accounting and Budget Manual for Fiscal and Operation Management (August 1987)," which has been incorporated by reference.

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 William Hoff, Chief, Audit and Compliance, Health Services Cost Review Commission, 4160 Patterson Avenue, Baltimore, MD 21215, or call 410-764-3488, or email to william.hoff@maryland.gov. Comments will be accepted through February 27, 2023.

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the Accounting and Budget Manual for Fiscal and Operating Management (August 1987), Supplement 27, 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 50:1 Md. R. 7 (January 13, 2023), 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.

.02 Accounting System; Hospitals.**A. The Accounting System.**

(1) (text unchanged)
 (2) The "Accounting and Reporting System for Hospitals", also known as the Accounting and Budget Manual for Fiscal and Operating Management (August, 1987), is incorporated by reference, including the following supplements:

- (a)—(x) (text unchanged)
- (y) Supplement 25 (February 10, 2020); [and]
- (z) Supplement 26 (January 14, 2021)[.]; and
- (aa) Supplement 27 (October 12, 2022).

(3)—(5) (text unchanged)

B.—D. (text unchanged)

ADAM KANE

Chair

Health Services Cost Review Commission

Subtitle 43 BOARD OF CHIROPRACTIC EXAMINERS

10.43.17 Telehealth

*Authority: Health Occupations Article, §§1-1001—1-1006 and 3-205,
Annotated Code of Maryland*

Notice of Proposed Action

[22-301-P]

The Secretary of Health proposes to adopt new Regulations **.01—.06** under a new chapter, **COMAR 10.43.17 Telehealth**. This action was considered by the Board of Chiropractic Examiners at a public meeting held on October 22, 2020, notice of which was given by publication on the Board's website at <https://health.maryland.gov/chiropractic/Pages/index.aspx> pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to provide new guidelines for chiropractors for the practice of telehealth pursuant to Chs. 15 and 16, Acts of 2020.

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 Jourdan Green, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499, or email to mdh.regs@maryland.gov. Comments will be accepted through February 27, 2023. A public hearing has not been scheduled.

.01 Scope.

A. This chapter governs the practice of chiropractic using telehealth as an adjunct to, or replacement for, in-person patient visits.

B. Nothing in the chapter restricts or limits reimbursement requirements pursuant to the Health-General Article and Insurance Article, Annotated Code of Maryland.

.02 Definitions.

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

B. Terms Defined.

- (1) "Asynchronous" means not occurring in real time.
- (2) "Board" means the Maryland Board of Chiropractic Examiners.
- (3) "In-person" means within the physical presence of the patient.
- (4) "Synchronous" means occurring in real time.
- (5) "Telehealth" has the meaning stated in Health Occupations Article, §1-1001, Annotated Code of Maryland.
- (6) "Telehealth practitioner" means a Maryland licensed chiropractor performing telehealth services within their respective scope of practice.

.03 Licensure.

A. Subject to the provisions of Health Occupations Article, Title 3, Annotated Code of Maryland, a telehealth practitioner shall be licensed in Maryland when providing telehealth services to a patient located in the State.

B. Telehealth practitioners licensed in this State are subject to the jurisdiction of the State and shall abide by the telehealth requirements of this chapter if either the practitioner or the patient is physically located in this State.

.04 Standards of Practice for Telehealth.

A. Before performing telehealth services, a telehealth practitioner shall develop and follow a procedure to:

(1) Verify the identification of the patient receiving telehealth services within a reasonable degree of certainty through use of:

- (a) A government-issued photograph identification;
- (b) An insurance, Medicaid, or Medicare card; or
- (c) Documentation of the patient's:
 - (i) Date of birth; and
 - (ii) Home address;

(2) For an initial patient encounter, disclose the telehealth practitioner's:

- (a) Name;
- (b) Maryland license number; and
- (c) Contact information;

(3) Obtain oral or written consent from a patient or patient's parent or guardian if State law requires the consent of a parent or guardian, including informing patients of the risks, benefits, and side effects of the recommended treatment plan;

(4) Securely collect and transmit a patient'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 patients 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 patient's location.*

B. Except when providing asynchronous telehealth services, a telehealth practitioner shall:

(1) *Obtain or confirm an alternative method of contacting the patient in case of a technological failure;*

(2) *Confirm whether the patient is in Maryland and identify the specific practice setting in which the patient is located; and*

(3) *Identify all individuals present at each location and confirm they are allowed to hear the patient's health information.*

C. A telehealth practitioner shall be held to the same standards of practice and documentation as those applicable for in-person chiropractic practice appointments.

.05 Patient Evaluation.

A. A telehealth practitioner shall:

(1) *Perform a synchronous or asynchronous clinical patient evaluation that is appropriate for the patient and the condition with which the patient presents before providing a treatment plan through telehealth; and*

(2) *If clinically appropriate for the patient, provide or refer a patient to:*

(a) *In-person treatment; or*

(b) *Another type of telehealth service.*

B. A telehealth practitioner may not treat a patient 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 who does not use telehealth technology in the licensee'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

Subtitle 65 BOARD OF MASSAGE THERAPY EXAMINERS

10.65.10 Telehealth

Authority: Health Occupations Article, §§1-1001—1-1006 and 6-206, Annotated Code of Maryland

Notice of Proposed Action

[22-299-P]

The Secretary of Health proposes to adopt new Regulations **.01—.06** under a new chapter, **COMAR 10.65.10 Telehealth**. This action was considered by the Board of Massage Therapy Examiners at a public meeting held on October 28, 2020, notice of which was given by publication on the Board's website at <https://health.maryland.gov/massage/Pages/home.aspx> pursuant to General Provisions Article, §3–302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to provide new guidelines for massage therapists for the practice of telehealth pursuant to Chs. 15 and 16, Acts of 2020.

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 Jourdan Green, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499, or email to mdh.regs@maryland.gov. Comments will be accepted through February 27, 2023. A public hearing has not been scheduled.

.01 Scope.

A. This chapter governs the practice of massage therapy using telehealth as an adjunct to, or replacement for, in-person client visits.

B. Nothing in this chapter restricts or limits reimbursement requirements pursuant to Health-General Article and Insurance Article, Annotated Code of Maryland.

.02 Definitions.

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

B. Terms Defined.

(1) *"Asynchronous" means not occurring in real time.*

(2) *"Board" means the Maryland Board of Massage Therapy Examiners.*

(3) *Health Care Services.*

(a) *"Health care services" means to provide client instruction through telehealth using:*

(i) *Techniques that include, but are not limited to, stretching, movement, breathing, and self-massage; and*

(ii) *Applications, such as nonlegend topicals and hot and cold packs or pads.*

(b) *"Health care services" does not include:*

(i) *Mental health counseling; or*

(ii) *Nutritional counseling.*

(4) *"In-person" means within the physical presence of the client.*

(5) *"Synchronous" means occurring in real time.*

(6) *"Telehealth" has the meaning stated in Health Occupations Article, §1-1001, Annotated Code of Maryland.*

(7) *"Telehealth practitioner" means a Maryland licensed massage therapist or a registered massage practitioner performing telehealth services within their respective scope of practice as defined under Health Occupations Article, §6-101, Annotated Code of Maryland.*

.03 Licensure and Registration.

A. Subject to the provisions of Health Occupations Article, Title 6, Annotated Code of Maryland, a telehealth practitioner shall be licensed or registered in Maryland when providing telehealth services to a client located in the State.

B. Telehealth practitioners licensed or registered in this State are subject to the jurisdiction of the State and shall abide by the telehealth requirements of this chapter if either the practitioner or the client is physically located in this State.

.04 Standards of Practice for Telehealth.

A. Before performing telehealth services, a telehealth practitioner shall develop and follow a procedure to:

(1) *Verify the identification of the client receiving telehealth services within a reasonable degree of certainty through use of:*

(a) *A government-issued photograph identification;*

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

PROPOSED ACTION ON REGULATIONS

	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

Special Documents

DEPARTMENT OF THE ENVIRONMENT

SUSQUEHANNA RIVER BASIN COMMISSION

Grandfathering (GF) Registration Notice

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

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

DATES: December 1-31, 2022.

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

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

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

Barney & Dickenson, Inc., GF Certificate No. GF-202212232, Town of Vestal, Broome County, N.Y.; Main Storage Pond and combined withdrawal from Wells 1, 2, and 3; Issue Date: December 15, 2022.

City of Norwich – Public Water Supply System, GF Certificate No. GF-202212233, Towns of Norwich and New Berlin and City of Norwich, Chenango County, N.Y.; combined withdrawal from Wells 1 and 2, Well 3, and the Lower Reservoir; Issue Date: December 15, 2022.

Hardinge Inc., GF Certificate No. GF-202212234, Town of Horseheads, Chemung County, N.Y.; Wells 1, 2, and 3; Issue Date: December 15, 2022.

Hidden Valley Golf Course, Inc., GF Certificate No. GF-202212235, Wayne Township, Schuylkill County, Pa., Artesian Well, the Other On-site Well, and the Chateau (Upper) Pond; Issue Date: December 15, 2022.

Knight Settlement Sand & Gravel, LLC, GF Certificate No. GF-202212236, Town of Bath, Steuben County, N.Y.; Cohocton River and the Concrete Well; Issue Date: December 15, 2022.

The Pennsylvania State University – Public Water Supply System and University Campus Use, GF Certificate No. GF-202212237, College and Patton Townships and State College Borough, Centre County, Pa.; see Addendum; Issue Date: December 15, 2022.

Tower City Borough Authority – Public Water Supply System, GF Certificate No. GF-202212238, Porter Township, Schuylkill County, Pa.; Wells 1 and 3; Issue Date: December 15, 2022.

AUTHORITY: Public Law 91-575, 84 Stat. 1509 *et seq.*, 18 CFR parts 806 and 808.

DATED: January 6, 2023.

JASON E. OYLER
General Counsel and Secretary to the Commission
[23-02-04]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Minor Modifications

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the minor modifications approved for a previously approved project by the Susquehanna River Basin Commission during the period set forth in DATES.

DATES: December 1-31, 2022

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

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

SUPPLEMENTARY INFORMATION: This notice lists previously approved projects, receiving approval of minor modifications, described below, pursuant to 18 CFR § 806.18 or to Commission Resolution Nos. 2013-11 and 2015-06 for the time period specified above.

Inflection Energy (PA) LLC (Loyalsock Creek), Docket No. 20221214, Upper Fairfield Township, Lycoming County, Pa.; approval to change intake design and location; Approval Date: December 28, 2022.

AUTHORITY: Public Law 91-575, 84 Stat. 1509 *et seq.*, 18 CFR parts 806 and 808.

DATED: January 6, 2023.

JASON E. OYLER
General Counsel and Secretary to the Commission
[23-02-05]

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: The Susquehanna River Basin Commission will hold a public hearing on February 2, 2023. The Commission will hold this hearing in-person and telephonically. At this public hearing, the Commission will hear testimony on the projects listed in the Supplementary Information section of this notice. Such projects are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for March 16, 2023, which will be noticed separately. The public should take note that this public hearing will be the only opportunity to offer oral comment to the Commission for the listed projects. The deadline for the submission of written comments is February 13, 2023.

DATES: The public hearing will convene on February 2, 2023, at 6:30 p.m. The public hearing will end at 9:00 p.m. or at the conclusion of public testimony, whichever is earlier. The deadline for the submission of written comments is Monday, February 13, 2023.

ADDRESSES: This public hearing will be conducted in-person and virtually. You may attend in person at Susquehanna River Basin Commission, 4423 N. Front St., Harrisburg, Pennsylvania or join by telephone using Toll Free Number 1-877-304-9269 and then entering guest passcode 2619070 followed by #.

FOR FURTHER INFORMATION CONTACT: Jason Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423 or joyler@srbc.net.

Information concerning the applications for the projects is available at the Commission's Water Application and Approval Viewer at <https://www.srbc.net/waav>. Additional supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at www.srbc.net/regulatory/policies-guidance/docs/access-to-records-policy-2009-02.pdf.

SUPPLEMENTARY INFORMATION: The public hearing will cover the following projects:

Projects Scheduled for Action:

Project Sponsor: Biglerville Borough Authority. **Project Facility:** Biglerville Borough Water Company, Biglerville Borough and Butler Township, Adams County, Pa. Application for renewal of groundwater withdrawal of up to 0.112 mgd (30-day average) from Well 7 (Docket No. 19930503).

Project Sponsor and Facility: BKV Operating, LLC (North Branch Wyalusing Creek), Middletown Township, Susquehanna County, Pa. Application for surface water withdrawal of up to 2.731 mgd (peak day).

Project Sponsor and Facility: Dillsburg Area Authority, Carroll Township, York County, Pa. Application for renewal of groundwater withdrawal of up to 0.460 mgd (30-day average) from Well 7 (Docket No. 20070907).

Project Sponsor and Facility: Dover Township, York County, Pa. Application for renewal of groundwater withdrawal of up to 0.360 mgd (30-day average) from Well 8 (Docket No. 19911104).

Project Sponsor and Facility: First Quality Tissue, LLC (Bald Eagle Creek), Allison, Bald Eagle, and Castanea Townships, Clinton County, Pa. Applications for renewal of surface water withdrawal of up to 10.500 mgd (peak day) and consumptive use of up to 2.500 mgd (peak day) (Docket No. 20080303).

Project Sponsor and Facility: Hardinge Inc., Town of Horseheads, Chemung County, N.Y. Applications for groundwater withdrawals (30-day averages) of up to 0.550 mgd from Well 4 and renewal of 0.580 mgd from Well 5 (Docket No. 19900302).

Project Sponsor: Helix Ironwood, LLC. **Project Facility:** Ironwood Generating Station (Pennsy Quarry), South Lebanon Township, Lebanon County, Pa. Applications for renewal of surface water withdrawal of up to 4.500 mgd (peak day) and consumptive use of up to 4.500 mgd (peak day) (Docket No. 19980502).

Project Sponsor and Facility: Mount Union Municipal Authority, Wayne Township, Mifflin County, Pa. Application for renewal of groundwater withdrawal of up to 0.432 mgd (30-day average) from Well #3 – Lemkelde (Docket No. 20070303).

Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Fall Brook), Ward Township, Tioga County, Pa. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20180303).

Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Fellows Creek), Ward Township, Tioga County, Pa. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20180304).

Project Sponsor and Facility: Seneca Resources Company, LLC (Arnot No. 5 Mine Discharge), Bloss Township, Tioga Pa. Application for renewal of surface water withdrawal of up to 0.499 mgd (peak day) (Docket No. 20180305).

Project Sponsor and Facility: Seneca Resources Company, LLC (Cowanesque River), Deerfield Township, Tioga County, Pa. Application for renewal with modification to increase the surface water withdrawal by an additional 0.661 mgd, for a total of up to 1.600 mgd (peak day) (Docket No. 20220920).

Project Sponsor and Facility: Seneca Resources Company, LLC (Susquehanna River), Sheshequin Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 0.850 mgd (peak day) (Docket No. 20180306).

Project Sponsor: Springwood, LLC. **Project Facility:** Bridgewater Golf Club, York Township, York County, Pa. Application for renewal of consumptive use of up to 0.099 mgd (30-day average) (Docket No. 20080307).

Project Sponsor and Facility: SWN Production Company, LLC (Susquehanna River), Great Bend Township, Susquehanna County, Pa. Application for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20180307).

Project Sponsor and Facility: Wise Foods, Inc., Berwick Borough, Columbia County, Pa. Application for renewal of groundwater withdrawal of up to 0.860 mgd (30-day average) from Well PW-1 (Docket No. 19920502).

Project Sponsor: Wynding Brook Inc. **Project Facility:** Wynding Brook Golf Club, Turbot Township, Northumberland County, Pa. Application for renewal of consumptive use of up to 0.099 mgd (30-day average) (Docket No. 20080304).

Project Scheduled for Action Involving a Diversion:

Project Sponsor: Helix Ironwood, LLC. **Project Facility:** Ironwood Generating Station, South Lebanon Township, Lebanon County, Pa. Application for renewal of approval of an out-of-basin diversion of up to 4.500 mgd (peak day) (Docket No. 19980502).

Commission-Initiated Project Approval Modification

Project Sponsor: Knouse Foods Cooperative, Inc. Project Facility: Peach Glen Plant, Tyrone and Huntington Townships, Adams County, and Dickinson Township, Cumberland County, Pa. Conforming the grandfathered amount with the forthcoming determination for groundwater withdrawals (30-day averages) of up to 0.327 mgd combined from Wells 2, 4, 5, 7, 8, 9, 10, and 13, and up to 0.046 mgd from Well 13 (Docket No. 20040912).

Opportunity to Appear and Comment:

Interested parties may call into the hearing to offer comments to the Commission on any business listed above required to be the subject of a public hearing. Given the nature of the meeting, the Commission strongly encourages those members of the public wishing to provide oral comments to pre-register with the Commission by e-mailing Jason Oyler at joyler@srbc.net prior to the hearing date. The presiding officer reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing. Access to the hearing via telephone will begin at 6:15 p.m. Guidelines for the public hearing are posted on the Commission's website, www.srbc.net, prior to the hearing for review. The presiding officer reserves the right to modify or supplement such guidelines at the hearing. Written comments on any business listed above required to be the subject of a public hearing may also be mailed to Mr. Jason Oyler, Secretary to the Commission, Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pa. 17110-1788, or submitted electronically through <https://www.srbc.net/regulatory/public-comment/>. Comments mailed or electronically submitted must be received by the Commission on or before February 13, 2023, to be considered.

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

DATED: January 6, 2023.

JASON E. OYLER

General Counsel and Secretary to the Commission

[23-02-06]

WATER AND SCIENCE ADMINISTRATION

Water Quality Certification 22-WQC-0026

Anne Arundel Dept. of Public Works
2662 Riva Road
Annapolis, MD 21401

Add'l. Info: Pursuant to COMAR 26.08.02.10F(3)(c), The Maryland Department of the Environment is providing notice of its issuance of a Water Quality Certification 22-WQC-0026.

Location: Dividing Creek and Buckingham Cove in Arnold, and Severna Park, MD in Anne Arundel County.

The purpose of the project is improve navigable access.

1. Mechanically dredge a main channel with the following sections: Segment A includes maintenance dredging of a 450-foot long by 50 foot wide channel, and dredging of a 200-foot long by 50-foot wide new channel, all to a depth of 6.0 ft below MLW; Segment B includes maintenance dredging of a 260-foot long by 50-foot wide channel to depth of 5.0 ft below MLW; Segment C includes maintenance dredging a 290-foot long by 50- to 75-foot wide channel to a depth of 4.0 ft below MLW; Segment D includes

maintenance dredging of a 200-foot long by 50-foot wide channel to a depth of 4.0 ft below MLW; Segment E includes dredging of a 312-foot long by 30-foot wide new channel to a depth of 3.0 ft below MLW; Segment F includes maintenance dredging a 170-foot long by 35-foot wide channel, and dredging of a 260-foot long by 35-foot wide new channel, all to a depth of 5 ft below MLW; Segment G includes maintenance dredging of a 160-foot long by 35-foot wide channel to a depth of 4.0 feet below MLW; and Segment H includes maintenance dredging of a 162-foot long by 35-foot wide channel, and a 100-foot long by 30-foot wide new channel, all to a depth of 3.0 ft below MLW.

2. Approximately 4,496 cubic yards of dredged material will be transported to one of the three following upland disposal sites: Rock Creek Dredge Material Placement (DMP) Site at Water Oak Point Road, Pasadena, MD 21122, Idlewilde DMP Site at Idlewilde Road, Shady Side, MD 20764, or South County DMP Site at Sudley Road, West River, MD 20778.

3. Periodically maintenance dredge for 6 years.

The WQC and its attachments may be viewed at the following link:

<https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/WQC.aspx>

Appeal of Final Decision. This Water Quality Certification is a final agency decision. Any person aggrieved by the Department's decision to issue this WQC may appeal such decision in accordance with COMAR 26.08.02.10F(4). A request for appeal shall be filed with the Department within 30 days of publication of the final decision and specify in writing the reason why the final decision should be reconsidered. A request for appeal shall be submitted to: Secretary of the Environment, Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230. Any request for an appeal does not stay the effectiveness of this WQC.

Contact: Heather Hepburn at heather.hepburn1@maryland.gov and 410-537-3789.

[23-02-07]

WATER AND SCIENCE ADMINISTRATION

Water Quality Certification 22-WQC-0035

Sea Lord, LLC
9 Federal Street
Easton, MD 21601

Add'l. Info: Pursuant to COMAR 26.08.02.10F(3)(c), The Maryland Department of the Environment is providing notice of its issuance of a Water Quality Certification 22-WQC-0035

Location: 6010 Shipyard Lane, Easton, MD 21601

The purpose of the project is to control shoreline erosion.

Description of Authorized Work:

- Construct 2,130 linear feet of stone armor within a maximum of 10 feet channelward of an existing, functional bulkhead.

The WQC and its attachments may be viewed at the following link:

<https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/WQC.aspx>

Appeal of Final Decision. This Water Quality Certification is a final agency decision. Any person aggrieved by the Department's decision to issue this WQC may appeal such decision in accordance with COMAR 26.08.02.10F(4). A request for appeal shall be filed with the Department within 30 days of publication of the final decision and specify in writing the reason why the final decision should be reconsidered. A request for appeal shall be submitted to: Secretary of the Environment, Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230. Any request for an appeal does not stay the effectiveness of this WQC.

Contact: Robert M. Simmons at robertm.simmons@maryland.gov or at 410-901-4044.

[23-02-08]

WATER AND SCIENCE ADMINISTRATION

Water Quality Certification 22-WQC-0041

*Craftsmen Developers LLC
7524 WB&A Rd #101
Glen Burnie, MD 21061*

Add'l. Info: Pursuant to COMAR 26.08.02.10F(3)(c), The Maryland Department of the Environment is providing notice of its issuance of a Water Quality Certification 22-WQC-0041.

Location: Sparrows Point Country Club; 919 Wise Ave, Baltimore MD 21222

1. Construct a 692-linear foot low profile stone, sand containment sill, which includes 66-linear feet of stone vents and 37-linear feet of stone functioning as a phragmites barrier; and fill and grade with 1,786 cubic yards of sand and plant with 18,009 square feet of marsh vegetation, including 7,921 square feet of low marsh and 10,088 square feet of high marsh; all extending a maximum of 50 feet channelward of the mean high water line.

The WQC and its attachments may be viewed at the following link: <https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/WQC.aspx>

Appeal of Final Decision. This Water Quality Certification is a final agency decision. Any person aggrieved by the Department's decision to issue this WQC may appeal such decision in accordance with COMAR 26.08.02.10F(4). A request for appeal shall be filed with the Department within 30 days of publication of the final decision and specify in writing the reason why the final decision should be reconsidered. A request for appeal shall be submitted to: Secretary of the Environment, Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230. Any request for an appeal does not stay the effectiveness of this WQC.

Contact: Matt Wallach at matthew.wallach@maryland.gov or 410-537-3527

[23-02-09]

DEPARTMENT OF TRANSPORTATION MARYLAND TRANSPORTATION AUTHORITY

Notice for Public Comment

I-95 Express Toll Lanes (ETL) Northbound Extension Project (Section 200) & I-695 Ramps to Northbound I-95 ETL Tolling Plan

On December 15, 2022, the Maryland Transportation Authority (MDTA), the State agency that owns, finances, operates, and maintains Maryland's eight toll facilities, proposed the toll rate plan shown below for the I-95 Express Toll Lanes (ETL) for the Northbound Extension (Section 200) and I-695 ramps. The I-95 ETL Northbound Extension limits include the northbound ETL lanes on I-95 from MD 43 to north of MD 24.

Toll Rate Proposal for Comment

The toll rate ranges for the I-95 Northbound Extension (Section 200) and I-695 ramps to northbound I-95 ETL match the existing toll rate ranges already set for the open/existing I-95 ETL facility (Section 100).

Proposed Toll Rate Ranges for the I-95 ETL Northbound Extension Project (Section 200) and I-695 Ramps Phased openings in Winter 2024/2025 and Winter 2027/2028

Vehicle Classification	Peak	Off-Peak	Overnight
Motorcycle	\$0.11 - \$0.18	\$0.09 - \$0.15	\$0.04 - \$0.15
2-axle	\$0.22 - \$0.35	\$0.17 - \$0.30	\$0.07 - \$0.30
3-axle light	\$0.33 - \$0.53	\$0.26 - \$0.45	\$0.11 - \$0.45
3-axle heavy	\$0.44 - \$0.70	\$0.34 - \$0.60	\$0.14 - \$0.60
4-axle light	\$0.55 - \$0.88	\$0.43 - \$0.75	\$0.18 - \$0.75
4-axle heavy	\$0.66 - \$1.05	\$0.51 - \$0.90	\$0.21 - \$0.90
5-axle	\$1.32 - \$2.10	\$1.02 - \$1.80	\$0.42 - \$1.80
6+-axle	\$1.65 - \$2.63	\$1.28 - \$2.25	\$0.53 - \$2.25

Proposed E-ZPass® Per-Mile Toll Rate Ranges

ETL Pricing Periods (Same as the Existing ETL Pricing Periods)

Per COMAR 11.07.05.04, on certain holidays and the days immediately before or after, the Executive Director may set or adjust the time of day pricing mileage rate, pricing period, or toll zones consistent with the toll rate range established by the Authority in accordance with §A of this regulation. The Authority shall post notice of such action by the Executive Director on the Authority's official website at least 10 days prior to the effective date.

Peak Periods:

- Southbound:
 - Monday – Friday: 6AM – 9AM
 - Saturday: 12PM – 2PM
 - Sunday: 2PM – 5PM
- Northbound:
 - Monday – Friday: 3PM – 7PM
 - Saturday: 12PM – 2 PM
 - Sunday: 2PM – 5PM

Overnight Periods:

- Southbound and Northbound, Monday – Sunday: 9PM – 5AM

Off-Peak Periods: All other times

- The proposed toll rate ranges apply to all three payment methods.
- Pay-by-Plate rate ranges are 125% of the *E-ZPass*® mileage rate ranges.
- Video Toll Rate ranges are 150% of the *E-ZPass* mileage rate ranges.
- There are no *E-ZPass* Maryland Discounts on the ETL.
- Total unregistered video surcharge (difference between ETC toll and unregistered video toll amount) cannot exceed \$15 per trip.
- The minimum trip toll (not per mile) by payment type for all vehicle types would be \$0.40 for customers using *E-ZPass*, \$0.50 for customers using Pay-By-Plate (Registered Video), and \$1.00 for customers using Video Tolling (Unregistered Video).
- Video Tolling customers can save 15% (maximum of \$5 per transaction) by paying their Video Tolls before the notice is mailed.

Public Hearings

Two public hearings and one virtual public hearing will be held by the MDTA Board to receive public and private testimony about the proposed tolling plan. All hearings will be held from 5:30-8:00 PM. Sign-in and displays will be available at 5:30 PM and formal testimony will begin at 6:00 PM. The public may arrive any time between 5:30 and 7:30 PM. Registration for public testimony will close at 7:30 PM.

In-Person

February 27, 2023
Perry Hall High School
(Cafeteria)
4601 Ebenezer Rd.
Nottingham, MD 21236
Snow date March 1

Virtual

March 2, 2023
Register to participate in the virtual hearing:
mdta.maryland.gov/I95ETLNB-Section200

In-Person

March 6, 2023
Joppatowne High School
(Media Center)
555 Joppa Farm Rd.
Joppatowne, MD 21085
Snow date March 9

Individuals who require special accommodations under the Americans with Disabilities Act or who require translation services (free of charge) should contact the Title VI Office at mdtaeeo@mdta.maryland.gov or 410-537-5660 (711 for Maryland Relay) no later than three (3) business days before the date of the hearing they wish to attend.

Public Comments

Members of the public may submit comments for the official record on the I-95 ETL Northbound Extension (Section 200) and I-695 ramps to northbound I-95 ETL tolling rate ranges through April 13, 2023. Comments may be submitted by visiting mdta.maryland.gov/I95ETLNB-Section200; by writing to MDTA I-95 ETL Northbound Extension Project Toll Comment, 2310 Broening Highway, Baltimore, MD 21224; or providing testimony at a public hearing.

The meeting details, proposed plan for final action and approved tolling plan will be posted to mdta.maryland.gov.

[23-02-10]

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.

STATE COLLECTION AGENCY LICENSING BOARD

Subject: Public Meeting

Date and Time: February 14, 2023, 2 — 3 p.m.; thereafter the public meetings will take place the second Tuesday of every month, accessed via the Google Meet information given.

Place: Via Google Meet — please see details below.

Add'l. Info: Video call link:

<https://meet.google.com/ahz-mgnk-jsu>

Or dial: (US) +1 530-738-1353

PIN: 815 799 863

More phone numbers:

<https://tel.meet/ahz-mgnk-jsu?pin=1097700804795>

If necessary, the Board will convene in a closed session to seek the advice of counsel or review confidential materials, pursuant to General Provisions Article, §3-305, Maryland Annotated Code.

Contact: Ayanna Daugherty 410-230-6019
[23-02-12]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting

Date and Time: February 16, 2023, 1 — 4 p.m.

Place: 4160 Patterson Ave., Baltimore, MD

Add'l. Info: Hybrid Meeting. Please visit the MHCC at website mhcc.maryland.gov to register to attend this meeting via Zoom.

Contact: Valerie Wooding 410-764-3570
[23-02-14]

MARYLAND HEALTH CARE COMMISSION

Subject: Receipt of Application

Add'l. Info: On December 5, 2022, the Maryland Health Care Commission (MHCC) received a Certificate of Need application submitted by Alpas Wellness La Plata — (Matter No. 22-04-2462) Establish 36 adult Intermediate Care Facility beds within a 108-bed residential behavioral health treatment facility, planned to be licensed by the Behavioral Health Administration and accredited by The Joint Commission. The project will feature six distinct units providing targeted interventions for: substance use disorders, process disorders to include gambling and sex addiction, and eating disorders. 36 beds

(18 Level 3.7 detoxification beds and 18 Level 3.7 medically managed beds) are subject to a Certificate of Need Review. The remaining 72 beds fall under Behavioral Health Administration's oversight.

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

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

Please refer to the Matter No. listed above in any correspondence on the application. A copy of the application is available, for review, in the office of the MHCC, during regular business hours by appointment, or on the Commission's website at www.mhcc.maryland.gov. All correspondence should be addressed to Paul Parker, Deputy Director, Center for Health Care Facilities Planning and Development, MHCC, 4160 Patterson Avenue Baltimore, Maryland 21215.

Contact: Ruby Potter 410-764-3276
[23-02-13]

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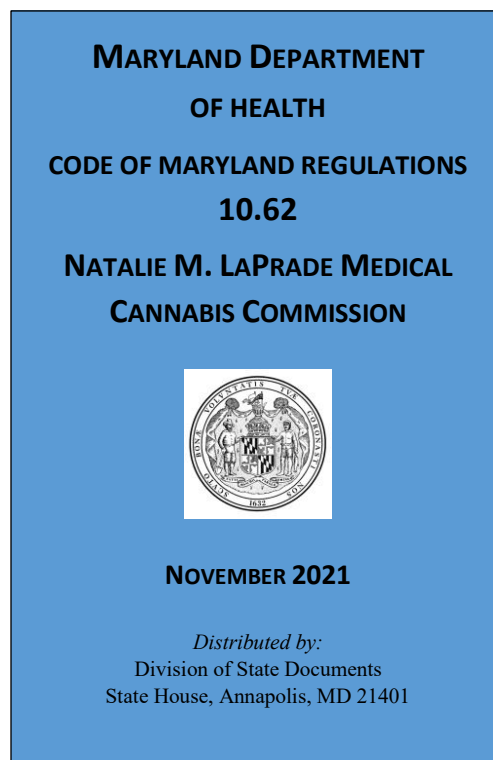
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