

# Maryland Register



**Issue Date: November 4, 2022**

Volume 49 • Issue 23 • Pages 989 — 1018

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Regulations  
Errata  
Special Documents  
General Notices

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before October 17, 2022 5 p.m.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 October 17, 2022.

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



## Information About the Maryland Register and COMAR

### MARYLAND REGISTER

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

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

The following information is also published regularly in the Register:

- Governor's Executive Orders
- Attorney General's Opinions in full text
- Open Meetings Compliance Board Opinions in full text
- State Ethics Commission Opinions in full text
- Court Rules
- District Court Administrative Memoranda
- Courts of Appeal Hearing Calendars
- 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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Individuals with disabilities who desire assistance in using the publications and services of the Division of State Documents are encouraged to call (410) 974-2486, or (800) 633-9657, or FAX to (410) 974-2546, or through Maryland Relay.

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## **COMAR Online**

The Code of Maryland Regulations is available at [www.dsd.state.md.us](http://www.dsd.state.md.us) as a free service of the Office of the Secretary of State, Division of State Documents. The full text of regulations is available and searchable. Note, however, that the printed COMAR continues to be the only official and enforceable version of COMAR.

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

### Availability of Monthly List of Maryland Documents

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

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

### CLOSING DATES AND ISSUE DATES THROUGH JANUARY 2023<sup>†</sup>

Issue Date	Emergency and Proposed Regulations 5 p.m.*	Notices, etc. 10:30 a.m.	Final Regulations 10:30 a.m.
<b>2022</b>			
November 18	October 31	November 7	November 9
December 2	November 14	November 21	November 23
December 16	November 28	December 5	December 7
December 30	December 12	December 19	December 21
<b>2023</b>			
January 13	December 23**	December 30**	January 4
January 27	January 9	January 13**	January 18

<sup>†</sup> 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.**

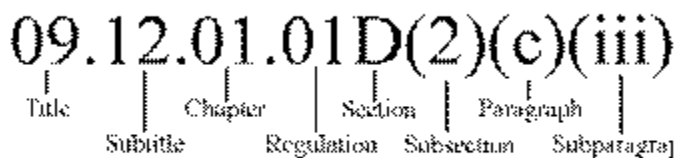
\*\* Note closing date changes.

\*\*\* Note issue date changes.

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

### REGULATIONS CODIFICATION SYSTEM

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



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

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

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

## Table of Pending Proposals

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

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## 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 01 EXECUTIVE DEPARTMENT Subtitle 02 SECRETARY OF STATE

### 01.02.08 Notary Public: General Regulations

Authority: State Government Article, §§181-03, 18-107 and 18-222. Annotated Code of Maryland

**Notice of Final Action**

[22-173-F]

On October 25, 2022, the Secretary of State adopted amendments to Regulations .01, .02, .07, and .11 under **COMAR 01.02.08 Notary Public: General Regulations**. This action, which was proposed for adoption in 49:19 Md. R. 869—870 (September 9, 2022), has been adopted as proposed.

**Effective Date: November 14, 2022.**

JOHN C. WOBENSMITH  
Secretary of State

## Title 10 MARYLAND DEPARTMENT OF HEALTH Subtitle 09 MEDICAL CARE PROGRAMS



**10.09.07 Medical Day Care Services**

Authority: Health-General Article, §§2-104(b), 15-103, 15-105, and 15-111, Annotated Code of Maryland

**Notice of Final Action**

[22-120-F]

On October 21, 2022, the Secretary of Health adopted amendments to Regulation **.08** under **COMAR 10.09.07 Medical Day Care Services**. This action, which was proposed for adoption in 49:16 Md. R. 760 (July 29, 2022), has been adopted as proposed.

**Effective Date: November 14, 2022.**

DENNIS R. SCHRADER  
Secretary of Health

**Subtitle 09 MEDICAL CARE PROGRAMS**

**10.09.10 Nursing Facility Services**

Authority: Health-General Article, §§2-104(b), 15-103, 15-105, 19-14B-01, and 19-310.1, Annotated Code of Maryland

**Notice of Final Action**

[22-125-F]

On October 21, 2022, the Secretary of Health adopted amendments to Regulations **.07, .08, .19, .21, and .22** under **COMAR 10.09.10 Nursing Facility Services**. This action, which was proposed for adoption in 49:16 Md. R. 761—762 (July 29, 2022), has been adopted as proposed.

**Effective Date: November 14, 2022.**

DENNIS R. SCHRADER  
Secretary of Health

**Subtitle 09 MEDICAL CARE PROGRAMS**

**10.09.53 Early and Periodic Screening, Diagnosis, and Treatment: Nursing Services for Individuals Younger than 21 Years Old**

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

**Notice of Final Action**

[22-119-F]

On October 21, 2022, the Secretary of Health adopted amendments to Regulation **.07** under **COMAR 10.09.53 Early and Periodic Screening, Diagnosis, and Treatment: Nursing Services for Individuals Younger than 21 Years Old**. This action, which was proposed for adoption in 49:16 Md. R. 763—764 (July 29, 2022), has been adopted as proposed.

**Effective Date: November 14, 2022.**

DENNIS R. SCHRADER  
Secretary of Health

**Subtitle 09 MEDICAL CARE PROGRAMS**

**10.09.69 Maryland Medicaid Managed Care Program: Rare and Expensive Case Management**

Authority: Health-General Article, §§15-102.1(b)(1) and 15-103(b)(4)(i), Annotated Code of Maryland

**Notice of Final Action**

[22-124-F]

On October 21, 2022, the Secretary of Health adopted amendments to Regulations **.14 and .17** under **COMAR 10.09.69 Maryland Medicaid Managed Care Program: Rare and Expensive Case Management**. This action, which was proposed for adoption in 49:16 Md. R. 764—765 (July 29, 2022), has been adopted as proposed.

**Effective Date: November 14, 2022.**

DENNIS R. SCHRADER  
Secretary of Health

**Subtitle 09 MEDICAL CARE PROGRAMS**

**10.09.80 Community-Based Substance Use Disorder Services**

Authority: Health-General Article, §§ 2-104(b), 7.5-204, 7.5-205(d), 7.5-402, 8-204(c)(1), 15-103(a)(1), and 15-105(b), Annotated Code of Maryland

**Notice of Final Action**

[22-121-F]

On October 21, 2022, the Secretary of Health adopted amendments to Regulations **.01, .03, .05, .06, and .08** under **COMAR 10.09.80 Community-Based Substance Use Disorder Services**. This action, which was proposed for adoption in 49:16 Md. R. 765—768 (July 29, 2022), has been adopted as proposed.

**Effective Date: November 14, 2022.**

## Subtitle 09 MEDICAL CARE PROGRAMS

### 10.09.90 Mental Health Case Management: Care Coordination for Children and Youth

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

#### Notice of Final Action

[22-085-F]

On September 27, 2022, the Secretary of Health adopted amendments to Regulation .07 under **COMAR 10.09.90 Mental Health Case Management: Care Coordination for Children and Youth**. This action, which was proposed for adoption in 49:10 Md. R. 568—569 (May 6, 2022), has been adopted with the nonsubstantive changes shown below.

**Effective Date: November 14, 2022.**

#### Attorney General's Certification

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

Regulation .07C(1)(b): In response to comments received, the Department is amending this regulation to ensure that Level III Intensive Care Coordination referrals are permitted from all provider types that provide primary care.

#### .07 Participant Eligibility — Level III — Intensive Care Coordination.

A.—B. (text unchanged)

C. Youth who are younger than 6 years old who have a score of a 3 or 4 on the ECSII shall either:

(1) Be referred directly from *one of the following*:

(a) (proposed text unchanged)

(b) *Primary care* ~~[[physician]]~~ *provider (PCP)*;

(c)—(g) (proposed text unchanged)

(2) (proposed text unchanged)

DENNIS R. SCHRADER  
Secretary of Health

## Subtitle 27 BOARD OF NURSING

### 10.27.27 Practice of Clinical Nurse Specialist

Authority: Health Occupations Article, §§8-205(a)(1), (2), (4), and (5) and 8-302(b)(1)(iii) and (2)(ii), Annotated Code of Maryland

#### Notice of Final Action

[21-166-F]

On October 21, 2022, the Secretary of Health adopted amendments to Regulations .01 and .04 under **COMAR 10.27.27 Practice of Clinical Nurse Specialist**. This action, which was proposed for adoption in 48:22 Md. R. 948—949 (October 22, 2021), has been adopted with the nonsubstantive changes shown below.

**Effective Date: November 14, 2022.**

#### Attorney General's Certification

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

Regulation .04E: In response to comments received, the Department is amending the scope of practice for clinical nurse specialists.

#### .04 Scope and Standards of Practice.

A.—D. (proposed text unchanged)

E. The *scope of practice* of the clinical nurse specialist *includes, but is not limited to*:

(1)—(4) (proposed text unchanged)

(5) *Ordering, performing, and interpreting* ~~[[diagnostic]]~~ *laboratory tests*;

(6) *Ordering diagnostic tests and using the findings or results in the care of patients*;

~~[[6]]~~ ~~(7)~~—~~[[8]]~~ ~~(9)~~ (proposed text unchanged)

~~[[9]]~~ *Performing additional special procedures and treatments specific to the specialty scope of practice*;

(10) *Prescribing durable medical equipment and advanced therapeutic interventions*;

~~[[11]]~~ ~~(10)~~—~~[[13]]~~ ~~(12)~~ (proposed text unchanged)

DENNIS R. SCHRADER  
Secretary of Health

## Title 14 INDEPENDENT AGENCIES

### Subtitle 22 COMMISSION ON CRIMINAL SENTENCING POLICY

#### Notice of Final Action

[22-172-F]

On October 25, 2022, the Maryland State Commission on Criminal Sentencing Policy adopted amendments to:

- (1) Regulations **.02**, **.07**, and **.09** under **COMAR 14.22.01 General Regulations**; and
- (2) Regulation **.02** under **COMAR 14.22.02 Criminal Offenses and Seriousness Categories**.

This action, which was proposed for adoption in 49:19 Md. R. 885—887, has been adopted as proposed.

**Effective Date: November 14, 2022.**

DAVID SOULÉ, Ph.D.  
Executive Director

## Title 17

# DEPARTMENT OF BUDGET AND MANAGEMENT

### Subtitle 04 PERSONNEL SERVICES AND BENEFITS

#### 17.04.11 Leave

Authority: State Personnel and Pensions Article, §9-302, Annotated Code of Maryland

#### Notice of Final Action

[22-145-F]

On October 12, 2022, the Secretary of Budget and Management adopted amendments to Regulation **.04** under **COMAR 17.04.11 Leave**. This action, which was proposed for adoption in 49:18 Md. R. 833 (August 26, 2022), has been adopted as proposed.

**Effective Date: November 14, 2022.**

DAVID R. BRINKLEY  
Secretary of Budget and Management

### Subtitle 04 PERSONNEL SERVICES AND BENEFITS

#### 17.04.13 State Employees' Health Benefits

Authority: State Personnel and Pensions Article, §§2-503 and 4-106, Annotated Code of Maryland

#### Notice of Final Action

[22-144-F]

On October 12, 2022, the Secretary of Budget and Management adopted amendments to Regulation **.04** under **COMAR 17.04.13 State Employees' Health Benefits**. This action, which was proposed

for adoption in 49:18 Md. R. 833—835 (August 26, 2022), has been adopted as proposed.

**Effective Date: November 14, 2022.**

DAVID R. BRINKLEY  
Secretary of Budget and Management

## Title 22

# STATE RETIREMENT AND PENSION SYSTEM

### Subtitle 03 BOARD OF TRUSTEES

#### 22.03.01 Election of Trustees

Authority: State Personnel and Pensions Article, §§21-104 and 21-110, Annotated Code of Maryland

#### Notice of Final Action

[22-149-F]

On October 18, 2022, the Board of Trustees for the State Retirement and Pension System adopted the repeal of existing Regulations **.01—****.12** and new Regulations **.01—****.12** under **COMAR 22.03.01 Election of Trustees**. This action, which was proposed for adoption in 49:18 Md. R. 836—838 (August 26, 2022), has been adopted as proposed.

**Effective Date: November 14, 2022.**

MARTIN M. NOVEN  
Executive Director

## Title 36

# MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY

Notice of Final Action

On September 22, 2022 the Maryland State Lottery and Gaming Control Agency adopted amendments to:

- (1) Regulations .07, .27, and .37 under COMAR 36.03.10 Video Lottery Facility Minimum Internal Control Standards;
- (2) Regulation .11 under COMAR 36.04.01 Video Lottery Technical Standards;
- (3) Regulation .04 under COMAR 36.10.05 Specific Requirements for Mobile Sports Wagering Licenses; and
- (4) Regulation .06 under COMAR 36.10.13 Sports Wagering Licensee Minimum Internal Control Standards.

This action, which was proposed for adoption in 49:16 Md. R. 773—775 (July 29, 2022), has been adopted as proposed.

**Effective Date: November 14, 2022.**

JOHN A. MARTIN  
Director

## ***Subtitle 11 SPORTS WAGERING APPLICATION REVIEW COMMISSION***

### **Notice of Final Action**

[22-153-F]

On October 19, 2022, the Sports Wagering Application Review Commission adopted under a new subtitle, **Subtitle 11 Sports Wagering Application Review Commission**:

- (1) New Regulations .01 and .02 under a new chapter, COMAR 36.11.01 General Provisions; and
- (2) New Regulations .01—.19 under a new chapter, COMAR 36.11.02 All Applicants and Awardees.

This action, which was proposed for adoption in 49:18 Md. R. 846—854 (August 26, 2022) has been adopted with the nonsubstantive changes below.

**Effective Date: November 14, 2022.**

### **Attorney General's Certification**

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

### ***36.11.02 All Applicants and Awardees***

*Authority: State Government Article, Title 9, Subtitles 1A and 1E, Annotated Code of Maryland*

#### ***.14 License Award Decision.***

A.—G. (proposed text unchanged)

H. SWARC shall notify the unsuccessful Applicant, in writing, that:

- (1)—(3) (proposed text unchanged)
- (4) The written notice of appeal to the Appeals Board may be filed:

(a) *[[Electronically, to [efile.msbca@maryland.gov](mailto:efile.msbca@maryland.gov) pursuant to <https://msbca.maryland.gov/wp-content/uploads/sites/30/2021/06/Temporary-Filing-Procedures-June-28-2021.pdf>]] Pursuant to COMAR 21.10.05.01B at <http://www.dsd.state.md.us/comar/comarhtml/21/21.10.05.01.htm>; or*

(b) (proposed text unchanged)

I.—J. (proposed text unchanged)

THOMAS M. BRANDT, JR.  
Chairman  
Sports Wagering Application Review Commission

## **Proposed Action on Regulations**

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

### **Symbol Key**

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

### **Promulgation of Regulations**

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

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

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

# Title 10 MARYLAND DEPARTMENT OF HEALTH

## Subtitle 09 MEDICAL CARE PROGRAMS

### 10.09.95 Special Psychiatric Hospitals

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

#### Notice of Proposed Action

[22-197-P]

The Secretary of Health proposes to amend Regulation .05 under **COMAR 10.09.95 Special Psychiatric Hospitals**.

#### Statement of Purpose

The purpose of this action is to expand coverage of inpatient mental health services in special psychiatric hospitals for Medicaid adults aged 21 to 64 for up to 60 days, and permit reimbursement when providers render services in facilities located in contiguous states and the District of Columbia. This action aligns Medicaid regulations with the CMS-approved HealthChoice Medicaid Section 1115 Demonstration. This proposal also updates the referenced regulation for the waiver-eligible definition.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

**I. Summary of Economic Impact.** To align with the approved 1115 Waiver Demonstration, the Department is expanding coverage of inpatient mental health services in special psychiatric hospitals for Medicaid adults aged 21 to 64 for up to 60 days, and permitting reimbursement when providers render services in facilities located in contiguous states and the District of Columbia. The total impact of this change for Fiscal Year (FY) 2023 is \$21,265,200.

<b>II. Types of Economic Impact.</b>	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(E+)	\$21,265,200
B. On other State agencies:	NONE	
C. On local governments:	NONE	
<hr/>		
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	\$21,265,200
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. This amount assumes:

(1) For dates of service from July 1, 2021, through December 31, 2021, the estimated number of individuals utilizing inpatient mental health services at special psychiatric hospitals is 660. At a rate of \$1,500 per member cost per day (PMPD) and an average length of stay of 10 days, the total cost for this period is \$9,900,000. For dates of service from January 1, 2022, through June 30, 2022, the estimated number of individuals utilizing inpatient mental health services at special psychiatric hospitals is 1,980. At a rate of \$1,500 PMPD and an average length of stay of 10 days, the total cost for this period is \$29,700,000. The total cost for FY 2022 is \$39,600,000.

(2) The impact for FY 2023 assumes a provider rate increase above FY 2022 from 1,500 per member cost per day to \$1,537 PMPD. The estimated number of individuals utilizing inpatient mental health services at special psychiatric hospitals is 3,960 and the average length of stay is 10 days. The total cost for FY 2023 is \$60,865,200.

(3) The total impact of this change, \$21,265,200, is equivalent to the difference of the total cost for FY 2023 (\$60,865,200) and the total cost for FY 2022 (\$39,600,000); this reflects the difference in the cost associated with the total individuals eligible for this service prior to January 1, 2022 and the

increased amount of individuals eligible after January 1, 2022 as a result of the 1115 Waiver Demonstration approval.

(4) For the first 6 months of FY 2023 (July 1, 2022 through December 31, 2022), the cost (\$10,632,600) is subject to a 68.73 percent blended federal match (\$7,307,785.98 federal funds and \$3,324,814.02 general funds). For the final 6 months of FY 2023 (January 1, 2023 through June 30, 2023), the cost is subject to a 64.25 percent blended federal match (\$6,831,445.50 federal funds and \$3,801,154.50 general funds).

D. See A. above.

#### **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 (TTY 800-735-2258), or email to [mdh.regs@maryland.gov](mailto:mdh.regs@maryland.gov), or fax to 410-767-6483. Comments will be accepted through December 5, 2022. A public hearing has not been scheduled.

#### **.05 Limitations.**

A. (text unchanged)

B. The Program does not cover:

(1)—(4) (text unchanged)

(5) Inpatient mental health services for an individual between 21 and 64 in a special psychiatric hospital of more than 16 beds that primarily engages in providing mental health services for an individual who is not waiver-eligible, as defined in COMAR [10.09.62.01] 10.67.01.01, except:

(a) When receiving mental health services in the special psychiatric hospital immediately before the participant reached 21 years old, in which case the services may be continued until the earlier of the following:

(i) (text unchanged)

(ii) The date the participant reaches 22 years old; [and]

(b) Effective July 1, 2019, services of up to 15 days per month, when:

(i) (text unchanged)

(ii) The provider is located in-State or, effective January 1, 2022, the provider is located in a contiguous state or the District of Columbia; or

(c) Effective January 1, 2022, services up to 60 days, when:

(i) The participant has a primary mental health diagnosis; and

(ii) The provider is located in-State, a contiguous state, or the District of Columbia;

(6)—(16) (text unchanged)

DENNIS R. SCHRADER  
Secretary of Health

## **Subtitle 21 MENTAL HYGIENE REGULATIONS**

### **10.21.01 Involuntary Admission to Inpatient Mental Health Facilities**

Authority: Health-General Article, §§7.5-204—7.5-205, 10-603, 10-615—10-616, 10-619, 10-625, and 10-806(d)(3), Annotated Code of Maryland

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

[22-196-P]

The Secretary of Health proposes to amend Regulations .04 and .08 under COMAR 10.21.01 Involuntary Admission to Inpatient Mental Health Facilities. At this time the Secretary of Health also withdraws the amendments to Regulations .04 and .08 under COMAR 10.21.01 Involuntary Admission to Inpatient Mental Health Facilities that were proposed in 49:17 Md. R. 801—802 (August 12, 2022).

#### **Statement of Purpose**

The purpose of this action is to:

(1) Define “danger” for purposes of emergency psychiatric evaluation and involuntary admission to a facility;

(2) Update the reference of the psychiatric nurse practitioner to reflect their involvement in the involuntary admission process;

(3) Update the Involuntary Admission Certificate requirements to include licensed certified social worker-clinical and licensed clinical professional counselor in accordance with Health-General Article, §§10-610, 10-615, 10-616, and 10-619, Annotated Code of Maryland;

(4) Replace the proposed amendments to COMAR 10.21.01.04 and .08 printed for public comment in the August 12, 2022, issue of the Maryland Register.

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

There is no corresponding federal standard to this proposed action.

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

The proposed action has no economic impact.

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

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

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

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

The proposed action will impact individuals with disabilities, as mental illness is classified as a disability. The proposed action may impact the number of individuals involved in the involuntary commitment process.

#### 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 (TTY 800-735-2258), or email to [mdh.regs@maryland.gov](mailto:mdh.regs@maryland.gov), or fax to 410-767-6483. Comments will be accepted through December 5, 2022. A public hearing has not been scheduled.

#### **.04 Physician's, Psychologist's [or], Psychiatric Nurse Practitioner's, Licensed Certified Social Worker-Clinical's, or Licensed Clinical Professional Counselor's Certificate for Involuntary Admission (IVA).**

A. The following shall be submitted when initiating the IVA of an individual:

- (1) (text unchanged)
- (2) A certificate completed by:
  - (a) (text unchanged)
  - (b) One physician and one psychologist; [or]
  - (c) One physician and one psychiatric nurse practitioner[.];
  - (d) *One physician and one licensed certified social worker-clinical; or*
  - (e) *One physician and one licensed clinical professional counselor.*

B. The Secretary shall provide the certificate that includes the following:

- (1)—(5) (text unchanged)
- (6) Spaces for the following information:
  - (a) The name, address, and telephone number of the certifying physician, psychologist, [or] psychiatric nurse practitioner, *licensed certified social worker-clinical, or licensed clinical professional counselor*;
  - (b) (text unchanged)
  - (c) The date that the physician, psychologist, [or] psychiatric nurse practitioner, *licensed certified social worker-clinical, or licensed clinical professional counselor* examined the individual;
  - (d)—(f) (text unchanged)
  - (7) A statement of whether the individual who completes the certificate is a physician, psychologist, [or] psychiatric nurse practitioner, *licensed certified social worker-clinical, or licensed clinical professional counselor*;
  - (8) The statement that the physician, psychologist, [or] psychiatric nurse practitioner, *licensed certified social worker-clinical, or licensed clinical professional counselor*:
    - (a)—(b) (text unchanged)
  - (9) Space for the signature of the physician, psychologist, [or] psychiatric nurse practitioner, *licensed certified social worker-clinical, or licensed clinical professional counselor* and for the date and time the certificate is signed.

C. To complete a certificate for IVA, a physician, psychologist, [or] psychiatric nurse practitioner, *licensed certified social worker-clinical, or licensed clinical professional counselor* shall:

- (1)—(3) (text unchanged)
- (4) Attach to one of the certificates for IVA copies of any available current medical reports or records that support the individual's need for involuntary care or treatment in an inpatient facility, with reports including at a minimum:
  - (a)—(b) (text unchanged)
  - (c) An explanation of why the individual meets the following requirements for IVA:
    - (i)—(ii) (text unchanged)
    - (iii) The individual presents a danger to the life or safety of the individual or of others *in accordance with the requirements of §E of this regulation*;
    - (iv)—(vi) (text unchanged)
  - (d)—(e) (text unchanged)

D. (text unchanged)

E. *Danger to the life or safety of the individual or of others includes but is not limited to the circumstances below, which shall be recent and relevant to the danger that the individual may currently present and arise as a result of the presence of a mental disorder:*

- (1) *The individual has threatened or attempted suicide, or has behaved in a manner that indicates an intent to harm self, or has inflicted or attempted to inflict bodily harm on self or another;*
- (2) *The individual, by threat or action, has placed others in reasonable fear of physical harm; or*
- (3) *The individual has behaved in a manner that indicates they are unable, without supervision and the assistance of others, to meet their need for nourishment, medical care, shelter, or self-protection and safety such as to create a substantial risk for bodily harm, serious illness, or death.*

#### **.08 Schedule of IVA Hearings.**

A. (text unchanged)

B. Change of Status Hearing.

- (1) (text unchanged)
- (2) [Two physicians or one physician and one psychologist] *A physician, psychologist, psychiatric nurse practitioner, licensed certified social worker-clinical, or licensed clinical professional counselor* shall evaluate the individual and, if the individual meets the requirements for IVA outlined in Health-General Article, §10-617, Annotated Code of Maryland, and Regulation .04C(4)(c) of this chapter, shall submit an application for IVA of the individual in accordance with the provisions of Regulation .03 of this chapter and complete certificates for IVA in accordance with the provisions of Regulation .04 of this chapter:

(a)—(d) (text unchanged)

(3)—(4) (text unchanged)

C. Semiannual Hearing.

(1) (text unchanged)

(2) At least 7 days before the date a semiannual hearing is scheduled to take place:

(a) [Two physicians or one physician and one psychologist or one physician and one psychiatric nurse practitioner] *A physician, psychologist, psychiatric nurse practitioner, licensed certified social worker-clinical, or licensed clinical professional counselor* shall complete certificates for IVA in accordance with the provisions of Regulation .04 of this chapter;

(b)—(d) (text unchanged)

(3) (text unchanged)

DENNIS R. SCHRADER  
Secretary of Health

# Title 11

## DEPARTMENT OF TRANSPORTATION

### Subtitle 07 MARYLAND TRANSPORTATION AUTHORITY

#### 11.07.07 Electronic Toll Collection and Toll Violation Enforcement

Authority: Courts and Judicial Proceedings Article, §§7-301, 7-302; Transportation Article, §§4-205, 4-312, 21-1414, 21-1415, 26-401 and 27-110; Annotated Code of Maryland

##### Notice of Proposed Action

[22-198-P]

The Executive Director of the Maryland Transportation Authority proposes to amend Regulations **.02**, **.06**, and **.09** under **COMAR 11.07.07 Electronic Toll Collection and Toll Violation Enforcement**. The proposal was unanimously approved by the MDTA Board at their open meeting on July 28, 2022.

##### Statement of Purpose

The purpose of this action is to provide regulations for MDTA to implement installment plan agreements for customers seeking to pay unpaid video tolls and any associated civil penalties. The implementation of an MDTA-designed installment plan (also known as a payment plan) will enhance payment options available to customers to provide premium customer service.

##### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

##### Estimate of Economic Impact

The proposed action has no economic impact.

##### Economic Impact on Small Businesses

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

##### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

##### Opportunity for Public Comment

Comments may be sent to Bradley Ryon, Manager of Government Relations, MDTA, 2310 Broening Highway, Baltimore, MD 21224, or call 410-537-1060. Comments will be accepted through December 5, 2022. A public hearing has not been scheduled.

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

A. (text unchanged)

B. Terms Defined.

(1)—(10) (text unchanged)

(11) “Final toll violation” means the total amount due as a result of a toll violation where a citation has been issued, is not paid, and:

(a) (text unchanged)

(b) A person fails to appear for a trial requested in District Court and has exhausted all appeals; [or]

(c) A person is adjudicated to be liable for the toll violation by the District Court and has exhausted all appeals; or

(d) *A person has failed to satisfy the requirements of an installment payment plan with the Authority.*

(12)—(31) (text unchanged)

#### **.06 Toll Collection by Recorded Image.**

A.—E. (text unchanged)

F. *Installment Plans.*

(1) *The Authority may offer an installment plan to a person alleged to be liable for payment of unpaid video tolls and any associated civil penalties that total at least \$300.*

(2) *An installment plan shall require the person to make monthly installment payments until the total amount of the outstanding unpaid video tolls and any associated civil penalties owed are paid. The Authority may waive any portion of the associated outstanding civil penalties.*

(3) *If liquidation by installment payments requires more than 3 years, then the debt may be referred as a delinquent account to the Central Collection Unit.*

(4) *The Authority may not offer more than one installment plan to a person at a time. A person is responsible for fully paying all unpaid video tolls and associated penalties within the one installment plan in accordance with the installment plan.*

(5) *If a person fails to make payment or defaults on the terms of an installment plan, then the Authority may terminate the installment plan, resulting in a final toll violation. The Authority is not required to offer alternative payment plans if a person defaults on the installment payments. The Authority may use any legal action available to collect in accordance with Regulation .08 of this chapter.*

#### **.09 Fees.**



A. (text unchanged)

B. Fees established by the Authority are as follows:

(1)—(4) (text unchanged)

(5) *The person entering an installment plan shall pay the Authority the costs of administering the installment plan as a percentage of the total amount owed, which amount shall equal the amount authorized by the Central Collection Unit for collections in COMAR 17.01.01.07.*

WILLIAM PINES  
Executive Director

## Title 12

# DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

## Subtitle 04 POLICE TRAINING AND STANDARDS COMMISSION

### 12.04.09 Police Accountability Boards and Administrative Charging Committees

*Authority: Public Safety Article, §§3-114 and 3-208, Annotated Code of Maryland*

#### Notice of Proposed Action

[22-202-P]

The Police Training and Standards Commission proposes to adopt new Regulations .01—.07 under a new chapter, **COMAR 12.04.09 Police Accountability Boards and Administrative Charging Committees**. This action was considered and approved by the Police Training and Standards Commission at a public meeting on September 21, 2022.

#### Statement of Purpose

The purpose of this action is to adopt a new chapter, COMAR 12.04.09, in order to fulfill requirements mandated by Public Safety Article, §3-114, Annotated Code of Maryland. In line with a significant shift in public policy associated with police oversight and accountability, civilian-led Police Accountability Boards and Administrative Charging Committees are mandated in each county and Statewide to build community trust and increase transparency in law enforcement agencies. This new chapter will establish a civilian process to receive and review complaints of alleged police misconduct involving members of the public, review administrative investigations, and make disciplinary recommendations to address improper behavior. Police Accountability Boards will be established in each county, Baltimore City, and Statewide to review outcomes of police misconduct, identify trends in disciplinary actions, and make recommendations on changes to policy that would improve accountability and operational efficiency. The regulations in this chapter establish expectations Statewide for officer conduct and create a uniform process for determining discipline.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

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

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Wayne Silver, Executive Director, Maryland Police Training and Standards Commission, 6852 4th Street, Sykesville, MD 21784, or call 410-875-3600, or email to [wayne.silver@mayland.gov](mailto:wayne.silver@mayland.gov), or fax to 410-875-3584. Comments will be accepted through December 5, 2022. A public hearing has not been scheduled.

#### .01 Purpose.

A. *This chapter establishes a civilian process to receive and process allegations of police officer misconduct involving a member of the public, review administrative investigations, and make disciplinary recommendations involving misconduct.*

B. *The agency head of each law enforcement agency shall develop the agency's own procedures to process complaints of misconduct that do not involve a member of the public.*

#### .02 Definitions.

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

B. *Terms Defined.*

(1) *"ACC jurisdiction" means the governmental entities responsible under Public Safety Article, §3-104(a) and (b), Annotated Code of Maryland, for establishing a jurisdictional ACC and appointing the jurisdiction's ACC members.*

(2) *"Administrative Charging Committee (ACC)" has the meaning stated in Public Safety Article, §3-104, Annotated Code of Maryland.*

(3) *"Agency head" has the meaning stated in COMAR, 12.04.01.01.*

(4) *"Agency review" means a thorough evaluation of the entire completed investigative file by the agency head.*

(5) *"Conflict of interest" means real or seeming incompatibility between an individual's private interests and the individual's official responsibilities in a position of trust.*

(6) *"Final disposition" means:*

(a) *The police officer accepts the ACC recommendation if the agency head does not increase the penalty;*

- (b) The police officer accepts the agency head's increased penalty disposition;
- (c) The police officer accepts the trial board's finding; or
- (d) The appeal process is exhausted.
- (7) "Law enforcement agency" has the meaning stated in Public Safety Article, §3-201, Annotated Code of Maryland.
- (8) "Local governing body" has the meaning stated in Public Safety Article, §14-401, Annotated Code of Maryland.
- (9) "Police Accountability Board (PAB)" has the meaning stated in Public Safety Article §3-102, Annotated Code of Maryland.
- (10) "Police officer" has the meaning stated in Public Safety Article, §3-201, Annotated Code of Maryland.
- (11) "Uniform State Disciplinary Matrix" has the meaning stated in Public Safety Article, §3-105, Annotated Code of Maryland.

**.03 Police Accountability Board.**

- A. A PAB shall ensure public accountability and transparency over the powers exercised by law enforcement agencies.
- B. A local governing body shall establish a PAB consistent with the provisions established in Public Safety Article, §3-102, Annotated Code of Maryland.
- C. A local governing body shall determine the number of individuals necessary to administer the PAB.
- D. PAB Membership Eligibility.
  - (1) A local governing body may impose eligibility criteria on PAB membership such as requiring that an applicant be:
    - (a) At least 21 years old;
    - (b) A legal resident or citizen of the United States of America; and
    - (c) A resident of the jurisdiction the PAB serves.
  - (2) An appointed member shall sign an agreement to maintain the confidentiality of PAB matters related to individual complaints until final disposition.

**.04 State Administrative Charging Committee and Local Administrative Charging Committees.**

- A. Consistent with provisions established in Public Safety Article, §3-104, Annotated Code of Maryland, an ACC jurisdiction shall:
  - (1) Have one ACC to serve law enforcement agencies within its ACC jurisdiction; and
  - (2) Develop written procedures for processing police officer misconduct complaints involving members of the public.
- B. A law enforcement agency shall establish written procedures for handling complaints of police officer misconduct that do not involve members of the public.
- C. Public Invitation to Apply for ACC.
  - (1) At least 30 days prior to selecting a member, an ACC jurisdiction shall publicly invite individuals to apply for an appointment to a membership vacancy on the ACC.
  - (2) An ACC jurisdiction shall, at minimum, publicly announce on its website an ACC appointment prior to the member's initial term, successive term, or expiration of term.
- D. ACC Membership Eligibility.
  - (1) To the extent permitted by law, an ACC jurisdiction may limit its membership eligibility by requiring, for example, a member to be:
    - (a) At least 21 years old;
    - (b) A legal resident or citizen of the United States of America;
    - (c) A resident of the jurisdiction the ACC serves;
    - (d) Of good moral character; and
    - (e) Free from bias that may negatively impact the integrity of the ACC.
  - (2) If permitted by law, an ACC jurisdiction may exclude an individual from appointment to its ACC for ethical and public trust-related reasons consistent with the ACC's business needs. An ACC jurisdiction's reasons for exclusion may include, but are not limited to:
    - (a) An individual has a demonstrable conflict of interest, as determined by the ACC jurisdiction;
    - (b) An individual is under criminal investigation by a law enforcement agency;
    - (c) An individual is charged with a crime pending before a court; or
    - (d) An individual has been convicted of, or has received probation before judgement for a felony or misdemeanor for which a sentence for 1 or more years could have been imposed.
- E. ACC Membership Requirements.
  - (1) To the extent consistent with Public Safety Article, §3-104, Annotated Code of Maryland, an ACC jurisdiction may require as a condition of its membership that an individual applying to be an ACC member:
    - (a) Submit to a background investigation with the law enforcement agency or investigative firm chosen by the ACC jurisdiction to which the individual has applied;
    - (b) Successfully complete the Police Training and Standards Commission's required training before serving as a member; and
    - (c) Sign an agreement to maintain the confidentiality of matters and information considered by the ACC until final disposition.
  - (2) Background Investigation.
    - (a) To the extent permitted by law, an ACC jurisdiction may authorize a background investigation to determine if an individual applying to be an ACC member is:
      - (i) Of good moral character; and
      - (ii) Unencumbered by conflicts of interest.
    - (b) An ACC jurisdiction shall ensure that a background investigation includes, but is not limited to:
      - (i) An examination of publicly available records; and
      - (ii) A review of the individual's presence on social media websites, applications, and platforms.
    - (c) The law enforcement agency or firm conducting the background investigation shall report the results in writing to the ACC jurisdiction that made the request.
  - F. Grounds for Refusal of an Appointment to the ACC. If permitted by law, an ACC jurisdiction may refuse to appoint an individual to serve as a member, if the individual:
    - (1) Does not meet the eligibility requirements imposed by the ACC jurisdiction under §D of this regulation;
    - (2) Does not agree to the membership requirements imposed by the ACC jurisdiction under §E(1) of this regulation; or
    - (3) Is determined to be unsuitable for membership by the ACC jurisdiction based on the results of the background investigation.
- G. Self-Reporting of Adverse Events.
  - (1) A member has an ongoing and continuous obligation to report immediately to the chairman of the ACC any event that may harm the public trust of the ACC.

(2) Adverse events include, but are not limited to:

- (a) Conflicts of interest;
- (b) Criminal charges;
- (c) Criminal investigations; and
- (d) Criminal convictions.

H. Terms of Appointment.

(1) Subject to §H(2) of this regulation, and to the extent such limitations are permitted by law, the term for each appointed ACC member may be limited to a specified period of time.

(2) In order to maintain the continuity of ACC operations, an ACC jurisdiction may, during its establishment of an ACC, stagger its members' initial terms of appointment.

(3) To the extent permitted by law, an ACC jurisdiction may impose term limits for appointment to an ACC.

(4) Removal or Resignation of an ACC Member.

(a) If an ACC jurisdiction decides to remove a member from the ACC prior to the end of the member's term, the ACC jurisdiction shall provide written notification of the decision to the member and the ACC's chairman.

(b) An ACC jurisdiction shall immediately remove a member who fails to maintain confidentiality as established under §E of this regulation.

(c) A member may resign from an ACC at any time by providing written notification to the ACC jurisdiction and the ACC chairman.

I. Election of an ACC Chairman.

(1) The members shall choose a chairman from their membership.

(2) A chairman shall follow Robert's Rules of Order.

(3) A chairman's responsibilities include:

(a) Establishing the meeting schedule, with a minimum of one meeting per month;

(b) Establishing a written agenda for each meeting for dissemination to the members in advance of each meeting;

(c) Calling a meeting to order;

(d) Coordinating a meeting in accordance with the agenda;

(e) Inviting discussion among members before voting;

(f) Inviting motions, seconds, and votes from members;

(g) Ensuring that a record of all business conducted by the ACC is kept; and

(h) Promptly reporting to the ACC jurisdiction any concerns or adverse events as established under §G(2) of this regulation.

#### **.05 ACC Meetings.**

A. As a public body, an ACC is subject to and shall act in accordance with the requirements established in the Maryland Open Meetings Act.

B. An ACC shall establish a schedule for making determinations or asking for further review in all pending matters within 30 days of the date a law enforcement agency within its jurisdiction completes its investigation.

C. An ACC shall issue a determination for every initial filing of a complaint by a member of the public within 1 year and 1 day of the date the complaint was received by:

(1) A PAB, as established in Public Safety Article, §3-113(c), Annotated Code of Maryland; or

(2) A law enforcement agency.

D. In order to maintain confidentiality, an ACC shall:

(1) Adhere to the requirements for closed sessions as required in the Maryland Open Meetings Act; and

(2) Utilize secure methods to electronically transmit documents, files, notes, and any other materials pertaining to a complaint and subsequent investigation.

E. Quorum and Attendance.

(1) Three members constitute a quorum and a quorum shall be in attendance prior to conducting any ACC business.

(2) ACC meetings may be conducted in person or remotely via secure video connection.

#### **.06 Law Enforcement Agency Investigation.**

A. Complaints Eligible for Mediation.

(1) Complaints from the public that meet the eligibility requirements for the mediation process established by regulation pursuant to Public Safety Article, §3-207(d), Annotated Code of Maryland, may, subject to the agreement of the complainant, be handled outside of the formal PAB and ACC complaint process.

(2) Complaints from the public handled through mediation shall be:

(a) Tracked with other citizen complaints; and

(b) Reported to the PAB.

B. Complaints Not Eligible for Mediation. A law enforcement agency shall complete a thorough investigation upon receipt of a complaint of alleged police officer misconduct, which is not eligible for mediation, as prescribed pursuant to Public Safety Article, §§3-102 and 3-103, Annotated Code of Maryland.

C. Upon completion of an investigation involving a member of the public, the law enforcement agency shall forward to the ACC the investigative files for the matter and any agency head recommendations within 3 business days of the date the:

(1) Law enforcement agency completed its investigation and agency review; or

(2) Agency head of the law enforcement agency completes the agency review and issues a written recommendation regarding the imposition of discipline consideration by the ACC.

D. Recommendation by Agency Head of the Law Enforcement Agency.

(1) An agency head may include a written recommendation for the ACC to consider regarding the matter under investigation.

(2) The written recommendation may include an agency head's:

(a) Opinion regarding whether the police officer should be disciplined;

(b) Explanation of aggravating or mitigating factors or circumstances; and

(c) Recommendation for a remedial measure, if the ACC determines not to impose administrative charges against the police officer.

(3) If an agency head believes that discipline is warranted, based on the facts presented in the investigation, an agency head may make a specific recommendation for discipline in accordance with the Uniform State Disciplinary Matrix, as approved by the Police Training and Standards Commission under Public Safety Article, §3-105, Annotated Code of Maryland.

#### **.07 ACC Deliberation and Determination.**

*A. Deliberation.*

(1) *When reviewing an investigative file responsive to a complaint of alleged police officer misconduct, an ACC shall:*

(a) *Conform to the procedures established in Public Safety Article, §3-104(e), Annotated Code of Maryland; and*

(b) *If applicable, read and consider an agency head's written recommendation before making a determination, and note the ACC's consideration in the ACC's written recommendation.*

(2) *An ACC, in the performance of its duties under Public Safety Article, §3-104(f)(1), Annotated Code of Maryland, may request additional information from an investigation by the law enforcement agency that conducted the initial investigation.*

(3) *Conflict of Interest.*

(a) *An ACC member shall abstain from participation in the review, deliberation, voting, and determination of whether to impose administrative charges against a police officer if the ACC member has a specific conflict of interest related to either the police officer under investigation or the complainant.*

(b) *An ACC member with a potential conflict of interest shall announce the existence of the potential conflict of interest prior to any receipt of the materials contained in the investigative file or any deliberations of the complaint.*

(c) *If an ACC member becomes aware of a potential conflict of interest after receiving a copy of the investigative file or beginning deliberation, the ACC member shall immediately announce the existence of a potential conflict of interest to the other members of the ACC.*

(d) *ACC members shall discuss the details of the potential conflict of interest, and if the majority determines that the conflict is such that the affected member should not be involved, that member shall be excused from the meeting prior to any consideration of the matter and shall return only after voting on the matter has concluded.*

*B. Determination.*

(1) *Following deliberation of the investigative file, interviews, body camera footage, and other available materials, an ACC determination shall be made by a majority vote of the members in attendance.*

(2) *Each ACC member shall cast one vote and may not abstain unless prohibited from participating in accordance with §A(3) of this regulation.*

(3) *If an ACC makes a determination that administrative charges should be filed, the ACC shall make a recommendation in accordance with the Uniform State Disciplinary Matrix established under Public Safety Article, §3-105, Annotated Code of Maryland.*

(4) *An ACC may not administratively charge a police officer for conduct for which the police officer has previously been disciplined or sanctioned.*

(5) *Within 5 business days of the completed deliberations and vote, an ACC shall forward a written opinion and charging recommendation to the agency head, the police officer, and the complainant.*

*C. Law Enforcement Agency—Receipt of Written Opinion.*

(1) *Upon receipt of an ACC's administrative charging document and written opinion detailing the findings, determinations, and recommendations, the agency head of the law enforcement agency shall perform the duties assigned under Public Safety Article, §3-105(c), Annotated Code of Maryland.*

(2) *An agency head may offer the same discipline recommended by an ACC or a higher degree of discipline within the applicable range of the Uniform State Disciplinary Matrix but may not deviate below the ACC's recommendation.*

(3) *A police officer may:*

(a) *Accept the discipline as originally offered by an agency head; or*

(b) *Refuse the discipline as originally offered by an agency head and have the matter referred to a trial board.*

TROY D. BERRY

Chair

Maryland Police Training and Standards Commission

## **Subtitle 04 POLICE TRAINING AND STANDARDS COMMISSION**

### **12.04.10 Uniform State Disciplinary Matrix**

*Authority: Public Safety Article, §§3-105, 3-114, and 3-208, Annotated Code of Maryland*

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

[22-201-P]

The Police Training and Standards Commission proposes to adopt new Regulations .01—.05 under a new chapter, **COMAR 12.04.10 Uniform State Disciplinary Matrix**. This action was considered and approved by the Police Training and Standards Commission at a public meeting on September 21, 2022.

#### **Statement of Purpose**

The purpose of this action is to adopt a new chapter, COMAR 12.04.10, in order to fulfill requirements mandated by Public Safety Article, §§3-105 and 3-114, Annotated Code of Maryland. This new chapter is part of the Maryland Police Accountability Act of 2021 (H.B. 670) and will establish a Statewide disciplinary process and disciplinary matrix for all law enforcement agencies to follow. All matters that may result in discipline to a police officer must follow the regulations established in the chapter to ensure disciplinary standards are applied Statewide in a fair, equitable, and consistent manner. These regulations also establish procedures for civilian-led Administrative Charging Committees that will be reviewing internal investigations of alleged police officer misconduct and determining if administrative charges will be filed. If evidence supports charges, the Administrative Charging Committee shall utilize the Uniform State Disciplinary Matrix to recommend the appropriate discipline. Each law enforcement agency in the State is required to adopt the matrix.

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

There is no corresponding federal standard to this proposed action.

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

The proposed action has no economic impact.

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

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

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

The proposed action has no impact on individuals with disabilities.

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

Comments may be sent to Wayne Silver, Executive Director Maryland Police Training and Standards Commission, 6852 4th Street, Sykesville, MD 21784, or call 410-875-3600, or email to wayne.silver@maryland.gov, or fax to 410-875-3584. Comments will be accepted through December 5, 2022. A public hearing has not been scheduled.

**.01 Purpose.**

A. The purpose of the Uniform State Disciplinary Matrix is for law enforcement agencies to apply disciplinary standards in a fair, equitable and consistent manner Statewide.

B. This chapter establishes the Uniform State Disciplinary Matrix required for all matters that may result in discipline of a police officer.

C. A law enforcement agency shall adopt the Uniform State Disciplinary Matrix in accordance with Public Safety Article, §3-105, Annotated Code of Maryland.

**.02 General Provisions.**

A. In order to protect the collective integrity of a law enforcement agency, all matters that may result in discipline shall be imposed pursuant to the Uniform State Disciplinary Matrix as responsive measures to a police officer's sustained violation of a law enforcement agency's policy.

B. Imposition of Discipline.

(1) Generally, each sustained violation of police officer misconduct shall be considered separately for the purpose of recommending and imposing discipline.

(2) When multiple sustained violations arise from the same conduct or incident, as applicable, an agency head or Administrative Charging Committee (ACC), may decide that the most effective way to determine the appropriate level of discipline in the case is to consolidate sustained violations into one form of discipline.

(3) Discipline imposed for first or subsequent sustained misconduct violations may follow a progressive course for repeat or increasingly serious violations.

(4) The Uniform State Disciplinary Matrix and the imposition of discipline may not be based on a police officer's race, religion, gender expression, gender identity, sex assigned at birth, sexual orientation, national origin, age, ethnicity, or familial relationship.

(5) The imposition of discipline shall not be influenced by the high or low profile nature of the police misconduct.

**.03 Definitions.**

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

B. Terms Defined.

(1) "Administrative Charging Committee (ACC)" has the meaning stated in Public Safety Article, §3-104, Annotated Code of Maryland.

(2) Aggravating Factor:

(a) "Aggravating factor" means conditions or events related to a police misconduct violation that may increase the seriousness of the violation and degree of penalty as specified in the Uniform State Disciplinary Matrix.

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

(i) A police officer's prior disciplinary history;

(ii) A police officer's prior negative work history, including non-disciplinary corrective action;

(iii) A police officer's rank;

(iv) A violation was committed willfully or for personal gain;

(v) A police officer's effort to conceal the violation, or to be untruthful or dishonest;

(vi) A police officer's failure to cooperate with an investigation into alleged misconduct;

(vii) A violation was retaliatory in nature;

(viii) A violation or behavior was motivated by bias against a member or group of protected class under Maryland's hate crimes law, as stated in Criminal Law Article, §10-304, Annotated Code of Maryland or the Anti-Employment Discrimination law, as stated in State Government Article, §20-602, Annotated Code of Maryland, or other state and federal hate crimes law;

(ix) The police officer's expressed unwillingness to comply with policy, tactics, or performance standards;

(x) The impact of the violation on the community or the law enforcement agency's ability to carry out its mission;

(xi) The degree to which the violation caused or could have caused the loss of life or injury; and

(xii) The degree to which the violation caused loss or damage to public or private property.

(3) "Formal written counseling (FWC)" means a written warning given to a police officer that outlines a police officer's misconduct and serves as the least severe form of discipline.

(4) "Law enforcement agency" has the meaning stated in Public Safety Article, §3-201, Annotated Code of Maryland.

(5) "Letter of reprimand" means a formal letter given to a police officer detailing the wrongful action and detailing the required corrective action.

(6) "Loss of leave" means the removal of paid time off from a police officer's earned and accrued paid time off total.

(7) "Loss of pay" means the suspension from duty without pay.

(8) "Mediation" means a process in which parties in a dispute work with one or more impartial mediators who assist the parties in reaching a voluntary agreement for the resolution of a nonviolent dispute or conflict.

(9) Mitigating Factor:

(a) "Mitigating factor" means a condition or event related to a policy violation that may decrease the seriousness of the violation and degree of discipline.

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

(i) A police officer's actions are attributable to selfless concern for the wellbeing of others;

(ii) A police officer's lack of disciplinary history;

(iii) A police officer's complimentary work history;

(iv) A police officer's prior positive work history;

(v) A violation was the inadvertent result of reasonable, otherwise compliant performance;

(vi) A police officer's prompt acceptance of responsibility for the conduct and willingness to be held accountable;

(vii) A police officer's commission of the violation at the direction of a superior;

(viii) A police officer's exposure to unusually serious workplace tensions and stressors; and

(ix) The violation is attributable to limitations beyond the control of the police officer based on a physical or mental disability.

(10) "Penalty days" means either the forfeiture of vacation days or the imposition of suspension without pay for a specified period of time, or both. The number of hours that determines a day is based on the police officer's work schedule.

(11) "Police misconduct" has the meaning stated in Public Safety Article, §3-101, Annotated Code of Maryland.

(12) "Police officer" has the meaning stated in Public Safety Article, §3-201, Annotated Code of Maryland.

(13) "Remedial training" means training designed to correct the behavior of:

(a) A police officer who has failed to perform the police officer's duties with the skill, knowledge, and ability expected and required of an individual given the authority and responsibility to enforce the law; or

(b) A police officer who has demonstrated a need for additional training.

(14) "Sustained violation" means an investigation has revealed sufficient evidence to impose administrative charges against a police officer for a violation category established in Regulation .04 of this chapter.

(15) "Uniform State Disciplinary Matrix" has the meaning stated in Public Safety Article, §3-101, Annotated Code of Maryland.

**.04 Uniform State Disciplinary Matrix.**

**A. Violation Levels.**

(1) Level One. The first level of violation category indicates a first sustained occurrence of a police officer's misconduct.

(2) Level Two. The second level of a violation category indicates a second sustained occurrence of a police officer's misconduct within the time periods specified in §D of this regulation and during which a sustained level one violation was committed.

(3) Level Three. The third level of a police misconduct violation category indicates a third sustained occurrence of a police officer's misconduct within the time periods specified in §D of this regulation and during which a sustained level one and level two violation was committed.

**B. Disciplinary Ranges.**

(1) The range of disciplinary penalties within the Uniform State Disciplinary Matrix includes:

- (a) A formal written counseling;
- (b) A letter of reprimand;
- (c) Loss of leave;
- (d) Suspension and loss of pay;
- (e) Demotion; and
- (f) Termination.

(2) A law enforcement agency shall determine the number of hours that constitutes a penalty day, based on a police officer's work schedule.

**C. Additional Corrective Measures.**

(1) In addition to the disciplinary penalties established within the Uniform State Disciplinary Matrix, a law enforcement agency head, ACC, or trial board following a determination to impose administrative charges may:

- (a) Refer the police officer to:
  - (i) Counseling;
  - (ii) An employee assistance program;
  - (iii) Remedial training; or
  - (iv) Another police officer assistance program permitted by a law enforcement agency's policy;
- (b) Suspend or remove a police officer from a take-home car program; and
- (c) Suspend a police officer from secondary employment.

(2) The options listed in §C(1) of this regulation may be independently imposed by police management in addition to any administrative charges imposed by an ACC or trial board.

**D. Violation Categories.**

(1) The Uniform State Disciplinary Matrix includes six designated violation categories that represent a progression in the severity of police misconduct violation.

**(2) Category A Violation.**

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors	→ Aggravating Factors
Category A: Conduct that has or may have a minimal negative impact on operations or professional image of the law enforcement agency.	One: 1st Violation	Formal Written Counseling	to Letter of Reprimand
	Two: 2nd Violation in 24 Months	Formal Written Counseling	to Up to 1 Day Loss of Leave or Loss of Pay
	Three: 3rd Violation in 24 Months	GO TO CATEGORY B LEVEL 1	

**(3) Category B Violation.**

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors	→ Aggravating Factors
Category B: Conduct that has or may have a negative impact on the operations or professional image of law enforcement agency; or that negatively impacts relationships with other officers, agencies, or the public.	One: 1st Violation	Letter of Reprimand	to Up to 2 Days Loss of Leave or Loss of Pay
	Two: 2nd Violation in 36 Months	1 Day Loss of Leave or Loss of Pay	to Up to 3 Days Loss of Leave or Loss of Pay
	Three: 3rd Violation in 36 Months	GO TO CATEGORY C LEVEL 1	

**(4) Category C Violation.**

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors	→ Aggravating Factors
Category C: Conduct that involves a risk to safety or that has or may have a pronounced negative impact on the operations or professional image of the law enforcement agency or a member, or on relationships with other officers, agencies, or the public.	One: 1st Violation	2 Days Loss of Leave or Loss of Pay	to Up to 4 Days Loss of Pay

	Two: 2nd Violation in 48 Months	3 Days Loss of Leave or Loss of Pay	to	Up to 5 Days Loss of pay
	Three: 3rd Violation in 48 Months	GO TO CATEGORY D LEVEL 1		

(5) Category D Violation.

(a)

Categories and Descriptions	Level	Disciplinary Range		
		Mitigating Factors	→	Aggravating Factors
Category D: Conduct substantially contrary to the values of the law enforcement agency or that substantially interferes with its mission, operations, or professional image, or that involves a serious risk to officer or public safety, or intentionally violates law enforcement agency policy.	One: 1st Violation	5 Days Loss of Leave or Loss of Pay	to	Up to 15 Days Loss of Pay
	Two: 2nd Violation in 60 Months	10 Days Loss of Pay	to	Up to 20 Days Loss of Pay
	Three: 3rd Violation in 60 Months	GO TO CATEGORY E LEVEL 1		

(b) Demotion or reduction in rank may also be considered as a part of the disciplinary penalty for Category D Violation.

(6) Category E Violation.

(a)

Categories and Descriptions	Level	Disciplinary Range		
		Mitigating Factors	→	Aggravating Factors
Category E: Conduct that involves misuse of authority, unethical behavior (not involving false reporting or false statements), or an act that could result in an adverse impact on an officer or public safety or to the professionalism of the law enforcement agency or a violation of any misdemeanor.	One: 1st Violation	15 Days Loss of Pay	to	25 Days Loss of Pay up to Termination
	Two: 2nd Violation in 60 Months	15 Days Loss of Pay	to	30 Days Loss of Pay up to Termination
	Three: 3rd Violation in 60 Months	GO TO CATEGORY F LEVEL 1		

(b) Demotion or reduction in rank may also be considered as a part of the disciplinary penalty for Category E Violation.

(7) Category F Violation.

Categories and Descriptions	Level	Disciplinary Range		
		Mitigating Factors	→	Aggravating Factors
Category F: Any violation of law, policy, rule or regulation which: foreseeably results in death or serious bodily injury; or constitutes a willful and wanton disregard of the law enforcement agency's mission, vision, and values; or involves any act or omission which demonstrates a serious lack of the integrity, ethics, or character related to an employee's fitness to hold their position; or involves egregious misconduct substantially contrary to the standards of conduct reasonably expected, to include those whose sworn duty is to uphold the law; or involves conduct which constitutes the failure to adhere to any condition of employment required or mandated by law, including any 18 U.S.C. §922(g) (Lautenberg) violations.	One: Any Violation	TERMINATION		

(8) Special Circumstance Categories.

(a)

Categories and Descriptions	Level	Disciplinary Range		
		Mitigating Factors	→	Aggravating Factors
Driving Under The Influence  Category 1: Any off-duty driving under the influence of alcohol and/or drugs which would constitute a violation of law.	One: 1st Violation	15 Days Loss of Pay	to	Termination*
	Two: 2nd Violation	30 Days Loss of Pay	to	Termination*
	Three: 3rd Violation	Termination*		
Category 2: Any on-duty or off-duty in a departmental vehicle driving under the influence of alcohol and/or drugs which would constitute a violation of law.	One: 1st Violation	Termination*		

\*Termination may be imposed as discipline unless prohibited by an Executive Order or superseding government policy.

(b)

Categories and Descriptions	Level	Disciplinary Range		
		Mitigating Factors	→	Aggravating Factors
Failure to Appear for Court and MVA Hearings	One: 2 violations in 1 year	Formal Written Counseling	to	Formal Written Counseling

Category 1: Intentional or purposeful failure to appear for any properly summoned court appearance which is the result of action taken as a law enforcement officer. This category also includes MVA hearings.	Two: 2 additional violations in 2 years	Formal Written Counseling	to	Up to 2 Days Loss of Leave or Loss of Pay
--	--	---------------------------	----	---

Note: The penalty cycle resets one calendar year from the date of the first violation.

(c)

Categories and Descriptions	Level	Disciplinary Range		
		Mitigating Factors	→	Aggravating Factors
Departmental Collisions  Category 1: Minor Damage* to Police Vehicle and/or Other Property or Vehicle*	One: 1st Violation up to 12 months	Formal Written Counseling	to	Letter of Reprimand
	Two: 2nd Violation within 0-24 months	Formal Written Counseling	to	Up to 2 Days Loss of Leave or Loss of Pay
	Three**: 3 or more Violations within 0-36 months	Letter of Reprimand	to	Up to 5 Days Loss of Leave or Loss of Pay
Category 2: Major Damage to Police Vehicle, Other Property, or Vehicle	One: 1st Violation up to 12 months	Formal Written Counseling	to	Up to 1 Day Loss of Leave or Loss of Pay
	Two: 2nd Violation within 0-24 months	Letter of Reprimand	to	Up to 3 Days Loss of Leave or Loss of Pay
	Three**: 3 or more Violations within 0-36 months	Letter of Reprimand	to	Up to 10 Days Loss of Leave or Loss of Pay
Category 3: Injury to Law Enforcement Personnel or Civilian  If gross negligence or reckless operation of a police vehicle is involved in any collision that results in serious injury or death the disciplinary range shall increase up to and including termination.	One: 1st Violation up to 12 months	Formal Written Counseling	to	Up to 2 Days Loss of Leave or Loss of Pay
	Two: 2nd Violation within 0-24 months	Letter of Reprimand	to	Up to 5 Days Loss of Leave or Loss of Pay
	Three**: 3 or more Violations within 0-36 months	Letter of Reprimand	to	Up to 14 Days Loss of Leave or Loss of Pay

\* Law Enforcement Agencies may establish a dollar amount as a guideline for determining the level of severity (minor vs major).  
 \*\* Driver retraining may be imposed at any level but shall impose for three or more at-fault departmental collisions.

- (9) Violations that Fall into More than One Violation Category.
  - (a) Some acts of police misconduct may fall into more than one violation category depending on the category definition.
  - (b) If an act of police misconduct falls into more than one violation category, an ACC, agency head, or trial board, as applicable, shall review the totality of circumstances related to the act and the violation category definition descriptions prior to choosing the category, level, and range.
- (10) Violations not found in the Uniform State Disciplinary Matrix shall be assigned to a violation category based on the circumstances of the police misconduct and the violation category definitions.

**.05 Process for Determining Discipline and Imposing Administrative Charges.**

- A. Following a complaint of police officer misconduct the law enforcement agency conducting the investigation shall:
  - (1) Investigate the police officer's actions to determine if the action was a violation of law, regulation, the law enforcement agency's policy, or other form of police misconduct; and
  - (2) Include the information in the investigative file.
- B. An ACC shall review the investigative file and, if applicable, an agency head's recommendation regarding the imposition of administrative charges in accordance with COMAR 12.04.09.
- C. Following an ACC's review and deliberation, the ACC shall review the violation category definitions for the most appropriate violation category.
- D. When determining the appropriate violation category, level, and disciplinary range, an ACC, agency head, or trial board may use the Uniform State Disciplinary Matrix violation examples posted on the Police Training and Standards Commission's website as a guide.
- E. Factors Influencing the Determination to Recommend Administrative Charges and Impose Discipline.
  - (1) Mitigating and aggravating factors surrounding a sustained violation may increase or decrease the discipline.
  - (2) Factors considered within a disciplinary range shall stay with the specific violation category.
- F. Multiple Count Adjustments. When multiple violations arise from the same incident:
  - (1) The violations may be consolidated into one form of discipline by:
    - (a) Selecting the most serious violation as a starting point within a violation category; and
    - (b) Weighing the other violations to determine whether and how much to increase the discipline with the selected violation category; or
  - (2) Each sustained misconduct violation may be considered separately for the purpose of determining discipline.



*G. Prior Disciplinary Record.*

*(1) An ACC, agency head, or trial board shall consider a police officer's prior sustained disciplinary record when determining discipline for a new violation.*

*(2) When applicable, three or more sustained violations in the same category within a specified time period shall progress to the next violation category.*

*H. Deviation from the Uniform State Disciplinary Matrix.*

*(1) An ACC, agency head, or trial board may deviate from the use of the Uniform State Disciplinary Matrix only when required by court order, consent decree, or other superseding legal authority.*

*(2) The Uniform State Disciplinary Matrix does not impact a law enforcement agency's rights to maintain order and manage the affairs of a law enforcement agency in all aspects, including, but not limited to:*

*(a) Establishing standards of service;*

*(b) Transfer or assignment of a police officer;*

*(c) Establishing standards for performance and conduct; and*

*(d) Maintaining control and regulation of the use of government equipment and property.*

*I. Mediation Programs. Complaints from the public that meet the eligibility requirements for the mediation process established by regulation pursuant to Public Safety Article, §3-207(d), Annotated Code of Maryland, may, subject to the agreement of the complainant, be handled outside of the formal PAB and ACC complaint process.*

*J. The Uniform State Disciplinary Matrix and Special Circumstance Violations tables shall be maintained and published by the Maryland Police Training and Standards Commission on its public website.*

TROY D. BERRY

Chair

Maryland Police Training and Standards Commission

## **Title 14**

# **INDEPENDENT AGENCIES**

### **Subtitle 22 COMMISSION ON CRIMINAL SENTENCING POLICY**

#### **14.22.01 General Regulations**

Authority: Criminal Procedure Article, §6-211, Annotated Code of Maryland

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

[22-199-P]

The Maryland State Commission on Criminal Sentencing Policy proposes to amend Regulation .03 under **COMAR 14.22.01 General Regulations**.

##### **Statement of Purpose**

The purpose of this action is to clarify the definition of "single criminal event." This revision provides additional guidance to practitioners when determining whether multiple crimes are committed during the same transaction.

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

There is no corresponding federal standard to this proposed regulation.

##### **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 David Soulé, Ph.D., State Commission on Criminal Sentencing Policy, 4511 Knox Road, Suite 309, College Park, Maryland, 20742, or call (301) 403-2707. Comments will be accepted through December 5, 2022.

#### **.03 Sentencing Guidelines Worksheet.**

A.—C. (text unchanged)

D. Multiple Criminal Events.

(1)—(2) (text unchanged)

*(3) In determining whether multiple crimes are committed in the course of the same transaction, the person filling out the guidelines worksheet shall consider whether the crimes:*

*(a) Are committed close in time, in an uninterrupted course of conduct;*

*(b) Occur in the same location; and*

*(c) Are similar in nature or intertwined (for example, whether they share a common scheme or purpose).*

E.—G. (text unchanged)

DAVID SOULÉ, Ph.D.

Executive Director

### **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 Proposed Action

[22-200-P]

The Interagency Commission on School Construction proposes to adopt amendments to Regulation .06 under **COMAR 14.39.02 Administration of the Public School Construction Program**. This action was considered by the Interagency Commission on School Construction at an open meeting held on August 11, 2022, notice of which was given by publication on the Maryland General Assembly website pursuant General Provisions Article, §3-302(c), Annotated Code of Maryland.

### Statement of Purpose

The purpose of this action is to codify changes to limit the applicability of excess capacity in an adjacent school only if the sum of available seat count in all adjacent schools is 15 percent or more of the project school's enrollment in accordance with Ch. 32, Acts of 2022.

### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

### Estimate of Economic Impact

The proposed action has no economic impact.

### Economic Impact on Small Businesses

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

### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

### Opportunity for Public Comment

Comments may be sent to Jonathan Borghetti, Policy Analyst, Interagency Commission on School Construction, 200 W. Baltimore Street, Baltimore, MD 21201, or call 410-767-0742, or email to [jonathan.borghetti@maryland.gov](mailto:jonathan.borghetti@maryland.gov), or fax to 410-333-6522. Comments will be accepted through December 5, 2022. A public hearing has not been scheduled.

### Open Meeting

Final action on the proposal will be considered by the Interagency Commission on School Construction during a public meeting to be held on January 12, 2022, at 9 a.m., at the link available at [mdschoolconstruction.org](http://mdschoolconstruction.org).

### .06 Maximum State Construction Allocation.

A.—D. (text unchanged)

E. Gross Area Baselines.

(1) (text unchanged)

(2) *The approved student enrollment may be reduced only if the sum of available seat count in all adjacent schools is 15 percent or more of the project school's enrollment.*

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

F.—N. (text unchanged)

ALEX DONAHUE  
Acting Executive Director

## Errata

### COMAR 22.03.01

At 49:18 Md. R. 836 (August 26, 2022), column 1, line 15 from the top:

For: Authority: State Personnel and Pensions Article,

[[§§21-104(b)] §§21-401 and

Read: Authority: State Personnel and Pensions Article,

[[§§21-104(b)] §§21-104 and

[22-23-17]

## Special Documents

### DEPARTMENT OF THE ENVIRONMENT

#### WATER AND SCIENCE ADMINISTRATION

##### Wastewater Pollution Prevention and Reclamation Program —Notice of Final Determination — General Permit for Discharges from Swimming Pools and Spas

The Department is reissuing the State/NPDES (National Pollution Discharge Elimination System) General Permit for Discharges from Swimming Pools and Spas, State Permit Number 12SI (NPDES No. MDG76) as the new State Permit Number 17SI. The 17SI permit applies to discharges of wastewater from draining, drawdown, cleaning, filter backwash, overflow, splashout, and spraydown from swimming pools, spas, baptismal fonts, splash pads, water slides, and other similar facilities in the state of Maryland.

A public notice on the tentative determination to reissue the discharge permit was published on July 1, 2022 in the Maryland Register and in newspapers throughout Maryland. The Department held a public hearing concerning the tentative determination on Wednesday, August 3, 2022 at 1 pm in the Terra Conference Room at the Maryland Department of the Environment, 1800 Washington Blvd, Baltimore, MD 21230, and received comments through Wednesday, August 10, 2022. After considering all comments received either in writing or through oral testimony during the comment period, the Department has made a final determination to issue the permit.

Listed below are the revisions included in the Department's final determination:

- The Department will not require submission of a Notice of Intent for facilities which discharge to groundwater only and which would not be subject to any numerical limitations. Instead, these facilities will be authorized under the permit without submission of a Notice of Intent – similar to how the Department regulates discharges from pools of private homeowners.
- The Department has clarified the requirements for the first 30 seconds of discharge of filter backwash wastewater. Such requirements were intended to apply solely to surface water discharges and the final permit makes this explicitly clear.

Any person adversely affected by this final determination may file a petition for judicial review. Petitions for judicial review of a final determination or permit decision subject to judicial review must be filed in accordance with §1-605 of the Environment Article within 30 days after publication of a notice of final determination, and must be filed in a circuit court in Maryland. Petitions for judicial review must conform to the applicable Maryland Rules of Civil Procedure. Failure to file a petition for judicial review within 30 days after publication of a notice of final determination will constitute a waiver of any right to a judicial review of this final determination.

The final permit, responses to comments, and other documents associated with the final permit may be downloaded from the Department's website for the SI permit at <https://mdewwp.page.link/SIGP>. Any questions regarding this final determination should be directed to Jonathan Rice ([jonathan.rice@maryland.gov](mailto:jonathan.rice@maryland.gov)) or Michael Richardson ([michael.richardson@maryland.gov](mailto:michael.richardson@maryland.gov)) or by calling the Industrial and General Permits Division at (410) 537-3323. Persons seeking to review the final permit and associated file may also do so by contacting Mr. Rice or Mr. Richardson to make an appointment. Copies of documents may be obtained at a cost of \$0.36 per page.

[22-23-13]

## WATER AND SCIENCE ADMINISTRATION

### Water Quality Certification 22-WQC-0010

*Baywater Landing, LLC.  
C/o Coastal Compliance Solutions  
Attention: Chris McCabe  
P.O. Box 66  
Fruitland, MD 21826*

**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-0010.

**Location:** This project is located on Tanhouse Creek off the Chincoteague Bay, at 3908 Bayside Rd., Snow Hill, MD 21863.

The purpose of this project is to improve navigational access.

Dredge by mechanical method a 56,572 square foot entrance channel and boat basin within Tanhouse Creek (22-WL-0185) and a 41,095 square foot marina basin (21-WP-1094) for a total of 97,667 square feet to a maximum depth of 3 feet at mean low water and place the 4,847 cubic yards of dredged material in an approved upland site on 606 Castle Hill Road, Snow Hill, Maryland.

**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:** Mary Phipps-Dickerson at [Mary.Phipps-Dickerson@maryland.gov](mailto:Mary.Phipps-Dickerson@maryland.gov) or (443) 509-0797.

[22-23-14]

## WATER AND SCIENCE ADMINISTRATION

### Water Quality Certification 22-WQC-0027EX

*Philadelphia District, US Army Corps of Engineers  
Wannamaker Building  
100 Penn Square East  
Philadelphia, Pennsylvania 19107-3390*

**Add'l. Info:** Pursuant to COMAR 26.02.02.10F(3)(c), The Maryland Department of the Environment is providing notice of its issuance of an Emergency Water Quality Certification 22-WQC-0027EX

**Location:** Chesapeake & Delaware Canal Federal Navigation Channel, Pearce Creek Dredge Material Containment Site, Chesapeake and Delaware Canal, Cecil & Kent Counties, MD

**Proposed Work and Purpose:** To maintenance dredge a section of the Chesapeake and Delaware (C&D) Canal approach channel located near Worton Point, and to place the dredged material at the Pearce Creek Dredged Material Containment Facility (DMCF). Maintenance dredging will be performed on an emergency basis as required to maintain the authorized 35-foot project depth within the navigation channel from: 39°19'0"N, 76°13'0"W to 39°19'80"N, 76°12'0"W. All material related to the emergency work (estimated to be 60,000 CY) will be removed by bucket, hopper or hydraulic pipeline dredges and placed in the Pearce Creek Dredged Material Containment Facility. 22-WQC-0027EX was requested as an emergency WQC to address increased shoaling to depths of up to 30 feet in the previously-authorized 35-foot channel causing a significant hazard to navigation. The excessive shoaling of up to 5 feet is located in a critical section of the navigation channel near Worton Point; a Local Notice to Mariners has been posted by the US Coast Guard for this area.

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

**Appeal of Final decision.** This Water Quality Certification (WQC) 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 in the Maryland Register, 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:** Danielle Spendiff at [Danielle.Spendiff1@maryland.gov](mailto:Danielle.Spendiff1@maryland.gov) or 410-537-4023.

[22-23-15]

# MARYLAND HEALTH CARE COMMISSION

## MEDICAL CARE DATA BASE (MCDB) DATA SUBMISSION MANUAL

As required under COMAR 10.25.06, the Maryland Health Care Commission (MHCC) publishes the MCDB Data Submission Manual annually. This manual provides information to each reporting entity such as technical specifications, layouts, required reports, and definitions. A draft of the 2023 MCDB Data Submission Manual is currently on the MHCC website at the following link: [http://mhcc.maryland.gov/mhcc/pages/apcd/apcd\\_mcdb/apcd\\_mcdb\\_data\\_submission.aspx](http://mhcc.maryland.gov/mhcc/pages/apcd/apcd_mcdb/apcd_mcdb_data_submission.aspx). Final approval of the Data Submission Manual by the MHCC Commissioners will be on November 17, 2022 at the public Commission meeting.

Comments on the draft Data Submission Manual can be sent to Shankar Mesta, Chief, Cost and Quality, Center for Analysis and Information Systems, via email at [shankar.mesta@maryland.gov](mailto:shankar.mesta@maryland.gov), no later than 5:00 pm on November 10, 2022.

[22-23-16]

# 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.



## MARYLAND COMMISSION ON AGING

**Subject:** Public Meeting

**Date and Time:** Wednesday, November 16, 2022, 10 a.m. — 12 p.m.

**Place:** North Laurel Community Center, 9411 Whiskey Bottom Rd., Laurel, MD 20723

**Contact:** Lisa O'Connor, (410) 767-1085, [lisa.oconnor@maryland.gov](mailto:lisa.oconnor@maryland.gov)

[22-23-01]

## COMMISSION ON CRIMINAL SENTENCING POLICY

**Subject:** Public Meeting

**Date and Time:** December 6, 2022, 6:30 p.m.

**Place:** Maryland Judicial Center, 187 Harry S. Truman Pkwy., Annapolis, MD

**Add'l. Info:** The Maryland State Commission on Criminal Sentencing Policy (MSCCSP) will continue the review and evaluation of the State's sentencing guidelines and policies. Please note that the business meeting will start immediately after the conclusion of the MSCCSP public comments hearing and may start prior to 6:30 pm if the public hearing does not require the entire allotted time.

Those who wish to simply observe the meeting may view the livestream via the MSCCSP YouTube channel at:

[https://www.youtube.com/watch?v=40Hu\\_WtSyXQ](https://www.youtube.com/watch?v=40Hu_WtSyXQ).

**Contact:** David Soulé (301) 403-4165

[22-23-02]

## COMMISSION ON CRIMINAL SENTENCING POLICY

**Subject:** Public Hearing

**Date and Time:** December 6, 2022, 5 — 6:30 p.m.

**Place:** Maryland Judicial Center, 187 Harry S. Truman Pkwy., Annapolis, MD

**Add'l. Info:** The Maryland State Commission on Criminal Sentencing Policy (MSCCSP) invites public comment on criminal sentencing policy-related issues. Those who wish to speak at the hearing should register in advance by emailing David Soulé, Executive Director of the MSCCSP, at [dsoule@umd.edu](mailto:dsoule@umd.edu). To accommodate all who wish to participate in the meeting, the MSCCSP requests that each speaker limits their comments to five minutes. The Commission asks those who wish to speak at the public hearing to register and submit written comments by no later than December 2, 2022. Please email written testimony to [dsoule@umd.edu](mailto:dsoule@umd.edu).

Registration is necessary only for those who wish to speak at the public hearing. If participants are not able to present testimony in-person, a videoconference option can be made available upon request. Those who wish to simply observe may view the livestream via the MSCCSP YouTube channel at:

[https://www.youtube.com/watch?v=40Hu\\_WtSyXQ](https://www.youtube.com/watch?v=40Hu_WtSyXQ).

**Contact:** David Soulé (301) 403-4165

[22-23-04]

## MARYLAND BOARD OF DIETETIC PRACTICE

**Subject:** Public Meeting

**Date and Time:** November 17, 2022, 10 a.m. — 12 p.m.

**Place:** 4201 Patterson Ave., Rm. 110 Baltimore, MD 21215

**Contact:** Lenelle Cooper (410) 764-4733

[22-23-03]

## MARYLAND DEPARTMENT OF HEALTH

**Subject:** Call for Nominations for Maryland Medicaid Drug Use Review (DUR) Board

**Add'l. Info:** The Maryland Department of Health (MDH) is currently accepting applications and nominations for pharmacists to serve on the Maryland Medicaid Drug Use Review (DUR) Board beginning January, 2023.

The implementation of the Omnibus Budget Reconciliation Act of 1990 (OBRA 90), §1927g (3) requires that the MDH establish a Medicaid DUR Board. The DUR Board is comprised of licensed and actively practicing physicians and pharmacists in Maryland and has been in operation since November 1992. The activities of the DUR Board include but not limited to:

- Reviewing prospective and retrospective DUR criteria, prior authorization criteria and quantity or dosage form limitations developed by the Division of Clinical Pharmacy Services or by contracted vendors.
- Evaluating the use of criteria and interventions, including assessing the operational effect of the criteria and interventions, in order to identify areas of prescribing and dispensing of specific drugs that may result in adverse participant outcomes.
- Evaluating participant drug utilization that may represent potential fraud and abuse and make disposition recommendations.
- Identifying educational needs and develop educational plans to improve prescribing or dispensing practices, and evaluate the effect of these educational interventions.
- Advising the Office of Pharmacy Services (OPS) in the area of enrollment of participants into the Corrective Managed Care (CMC) Program through the DUR Board's CMC Advisory Committee. This subcommittee of the DUR Board develops Corrective Managed Care enrollment recommendations by considering the Lock-In Criteria for participants (as defined by the CMC Advisory Committee Policy and Procedures).

The DUR Board meets quarterly for 3-4 hours in the Baltimore area. Meetings are normally scheduled on the first Thursday morning during the months of March, June, September, and December. Members are appointed by the Secretary of MDH and serve terms of three (3) years from the date of their appointment with the option to serve an additional three (3) year term.

The membership of the Maryland DUR Board includes health care professionals who have recognized knowledge and expertise in one or more of the following areas:

- (1) The clinically appropriate prescribing of outpatient drugs.

- (2) The clinically appropriate dispensing and monitoring of outpatient drugs.
- (3) Drug use review, evaluation and intervention.
- (4) Medical quality assurance.

All interested applicants are required to submit a formal application through the Maryland Department of Health's (MDH) Office of Appointments and Executive Nominations application link at <https://health.maryland.gov/oaen/Pages/Index.aspx>

Applications must be submitted no later than November 11, 2022.

Any additional questions regarding applications may be addressed to Lynn Frendak at [lynn.frendak@maryland.gov](mailto:lynn.frendak@maryland.gov) and/or Mangesh Joglekar at [mangesh.joglekar@maryland.gov](mailto:mangesh.joglekar@maryland.gov).

**Contact:** Deborah Washington (410) 767-1455

[22-23-04]

## MARYLAND DEPARTMENT OF HEALTH/MARYLAND LOAN ASSISTANCE REPAYMENT PROGRAM ADVISORY COUNCIL FOR PHYSICIANS AND PHYSICIAN ASSISTANTS

**Subject:** Public Meeting

**Date and Time:** November 14, 2022, 3 — 4 p.m.

**Place:** The meeting will be held virtually; please see details below.

**Add'l. Info:** This is a virtual meeting to be held via Google Meet. Log-in at [meet.google.com/rkc-jjhj-qwq](https://meet.google.com/rkc-jjhj-qwq).

The call-in phone number is (786) 540-5090; PIN: 649 483 210#.

A portion of this meeting may be held in closed session. Future meetings and announcements will be posted via the Workgroup webpage:

<https://health.maryland.gov/pophealth/Pages/MLARP-Stakeholder-Workgroup-for-Nurses-and-Nursing-Support-Staff.aspx>.

**Contact:** Sara Seitz (410) 767-4467

[22-23-05]

## MARYLAND DEPARTMENT OF HEALTH/STATE COMMUNITY HEALTH WORKER ADVISORY COMMITTEE

**Subject:** Public Meeting

**Date and Time:** November 14, 2022, 1 — 3 p.m.

**Place:** This is a virtual meeting held via Google Meet. The Google Meet link and call in line are available on the Maryland CHW State Advisory Committee webpage at <https://pophealth.health.maryland.gov/Community-Health-Workers/Pages/Advisory-Committee.aspx>

**Add'l. Info:** The Maryland CHW State Advisory Committee meets quarterly. Members of the public are welcome to attend but are requested to pre-register with this link:

[https://docs.google.com/forms/d/e/1FAIpQLSenbz-qRQYU\\_TQoF6LQJiP4-q0a1EvWPKz4R4RS2GG5KvxT4g/viewform?gxids=7757](https://docs.google.com/forms/d/e/1FAIpQLSenbz-qRQYU_TQoF6LQJiP4-q0a1EvWPKz4R4RS2GG5KvxT4g/viewform?gxids=7757)

**Contact:** Tina Backe (443) 401-7531

[22-23-06]

## DEPARTMENT OF INFORMATION TECHNOLOGY/4Q RADIO CONTROL BOARD

**Subject:** Public Meeting

**Date and Time:** December 7, 2022, 1 — 3 p.m.

**Place:** 100 Community Pl., Crownsville, MD 21032

**Contact:** Cindy Cole, (410) 697-9639, [cindy.cole@maryland.gov](mailto:cindy.cole@maryland.gov)

[22-23-07]

## DEPARTMENT OF INFORMATION TECHNOLOGY/4Q RADIO CONTROL BOARD SYSTEM MANAGERS

**Subject:** Public Meeting

**Date and Time:** December 1, 2022, 10 — 1 p.m.

**Place:** 100 Community Pl., 1st Fl. Conference Rm. B, Crownsville, MD 21032

**Contact:** Cindy Cole, (410) 697-9639, [cindy.cole@maryland.gov](mailto:cindy.cole@maryland.gov)

[22-23-08]

## DEPARTMENT OF INFORMATION TECHNOLOGY/4Q RADIO CONTROL BOARD SYSTEM USERS

**Subject:** Public Meeting

**Date and Time:** December 1, 2022, 1 — 2 p.m.

**Place:** 100 Community Place, 1st Floor Conference Room B, Crownsville, MD 21032

**Contact:** Cindy Cole, 410 697 9639, [cindy.cole@maryland.gov](mailto:cindy.cole@maryland.gov)

[22-23-09]

## MARYLAND STATE LOTTERY AND GAMING CONTROL COMMISSION

**Subject:** Public Meeting

**Date and Time:** November 17, 2022, 10 a.m. — 12 p.m.

**Place:** 1800 Washington Blvd., Ste. 330, Baltimore, MD

**Add'l. Info:** The next regular Commission meeting is scheduled for Thursday, November 17, 2022, in-person and via livestream at:

<https://www.mdgaming.com/commissionmeeting-11-17-2022/>.

**Contact:** Kathy Lingo (410) 230-8790

[22-23-10]

## MARYLAND HEALTH CARE COMMISSION

**Subject:** Formal Start of Review

**Add'l Info:** The Maryland Health Care Commission (MHCC) hereby gives notice of docketing of the following application for Certificate of Need:

Board of Childcare of the United Methodist Church, Inc. — (Baltimore County) — Docket No. 22-03-2460; Establish a 4-bed residential treatment center for the purpose of establishing and operating an Adolescent Hospital Overstay Program. The program will be in an existing building located at 3300 Gaither Road, Baltimore; Project Cost: \$922,238.

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

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

Persons desiring to become interested parties in the Commission's review of the above-referenced application must meet the requirements of COMAR 10.24.01.01B(2) and (20) and must also submit written comments to the Commission no later than close of business **December 5, 2022**. These comments must state with particularity the State Health Plan standards or review criteria that you believe have not been met by the applicant as stated in COMAR 10.24.01.08F.

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

**Contact:** Ruby Potter (410) 764-3460

[22-23-11]

## MARYLAND HEALTH CARE COMMISSION

**Subject:** Notice of Receipt of Letter of Intent to Establish an Inpatient Child Adolescent Psychiatric Hospital in Central Maryland (Anne Arundel, Baltimore, Carroll, Harford, and Howard Counties and Baltimore City).

**Add'l Info:** On September 20, 2022, the Maryland Health Care Commission received, from Hope Health Systems, Inc., a Letter of Intent to establish a 16-bed child/adolescent acute psychiatric inpatient special hospital to be located at 1726 Whitehead Road, Woodlawn, in Baltimore County.

Pursuant to COMAR 10.24.01.08A(3), the Commission hereby initiates a 30-day period in which additional Letters of Intent to apply for a Certificate of Need may be submitted to establish an acute child and adolescent psychiatric hospital or increase the acute psychiatric hospital capacity of an existing hospital in Central Maryland. Additional Letters of Intent should be submitted to the Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215, and are due by the close of business on December 5, 2022.

**Contact:** Ruby Potter (410) 764-3460

[22-23-12]