Governor Hogan's

REGULATORY *Reform* COMMISSION

2016 Report

CHANGING
Maryland
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Letter to the Governor

Dear Governor Hogan:

Thank you for establishing the Regulatory Reform Commission, by executive order on July 9, 2015, to examine and make recommendations over the course of three years on streamlining Maryland's regulatory environment. The Commission also thanks you for the tremendous progress on the recommendations made in our Initial Report including:

- a robust Customer Service Initiative to improve the customer service experience for Marylanders across state agencies;

- the appointment of former Anne Arundel County Executive and State Senator Robert R. Neall as a senior advisor to the Governor and Director of the Office of Transformation and Renewal; and

- the creation of the Commission to Modernize State Procurement to review all aspects of the state's procurement process.

Our 2016 report represents the first simultaneous comprehensive review of the state's regulations in several decades. The Commission worked with state agencies to identify regulations that could be repealed or amended in the Code of Maryland Regulations while safeguarding the health, safety, and welfare of the public. On April 8, 2016, Lt. Governor Boyd K. Rutherford issued a memorandum creating four workgroups under the Commission: Environment & Land Use; Financial Services; Occupations & Business Licensing; and Health Care. The workgroups reviewed regulations affecting their respective subject areas and identified regulations that can be repealed or amended.

The Commission has worked diligently, and is pleased to present the second of three reports with its findings and recommendations.

Sincerely,

Abba David Poliakoff
Chair

Commission Members

Lt. Governor Boyd K. Rutherford (ex officio) is the 9th Lt. Governor of Maryland. Previously he has served as Associate Administrator for the U.S. General Services Administration, Assistant Secretary for the U.S. Department of Agriculture, and Secretary of the Maryland Department of General Services, in addition to years of private legal and business experience.

Abba David Poliakoff (Chair) is a member of the law firm Gordon Feinblatt LLC, chairman of its Securities Practice and Israel Practice Groups, and a member of the firm's Business Law department.

Susan J. "Suzy" Ganz is the CEO and Principal Shareholder of Lion Brothers Company, Inc., the leading designer and manufacturer of apparel identity solutions.

Jay Steinmetz is the CEO of Barcoding Inc., the nationally recognized leader in data-capture solutions. Steinmetz founded Barcoding, Inc. in 1997.

Henry Gilford III is chief executive of Gilford Corporation originally founded as a civil engineering firm and moved into general contracting in 1994.

William B. Grant, Esq., CFP, has been the chairman and chief executive officer of First United Bank & Trust since 1996.

Jennifer Rhodes is a lifelong farming resident of Queen Anne's County and currently is the Extension Educator, Agriculture and Natural Resources, University of Maryland Extension, in Queen Anne's County.

Joseph G. Baldwin has been a full-time employee for Reliable Contracting since 1986. He was named President/CEO in 2002 and represents the company's third generation of family leadership.

Howard "Blackie" Bowen has been the president of Ewing Oil Company Inc. since 1988. Bowen served as a director at Centra Bank, Inc. He serves as a member of the Farmers Mechanics Bank Board and as a director of Maryland Public Policy Institute.

James T. Brady has been managing director of Mid-Atlantic of Ballantrae International Ltd., a management consulting firm, since 1999. He serves as a trustee of Stevenson University. He served as a director of Constellation Energy Group Inc. at Baltimore Gas and Electric Company from May 1999 to March 2012. He has been a director of McCormick & Co. Inc. since 1998 and NexCen Brands, Inc. since June 2002. He also serves as a director of Swales & Associates, Inc.

Section I:
An Introspective Review

Executive Summary

The Regulatory Reform Commission was established by executive order on July 9, 2015 to examine and make recommendations over the course of three years on streamlining Maryland's regulatory environment. The Commission's 2015 report to Governor Hogan largely dealt with an evaluation of Maryland's current regulatory environment, structural Executive branch inefficiencies, and implementing customer service standards across all State agencies. The 2016 Report focuses much more heavily on specific Maryland regulations that can either be streamlined, repealed or amended while safeguarding the health, safety, and welfare of the public. The Commission held six regional meetings in 2015 and two organizational meetings in 2016.

Workgroups

On April 8, 2016, Lt. Governor Boyd K. Rutherford issued a memorandum creating four workgroups under the Commission: Environment & Land Use chaired by Secretaries Mark Belton and Ben Grumbles; Financial Services chaired by Secretary R. Michael Gill and Insurance Commissioner Al Redmer; Occupations & Business Licensing chaired by Secretary Kelly Schulz; and Health Care chaired by Secretary Van Mitchell. He asked each workgroup to review regulations affecting their respective subject area and identify regulations that could be repealed or amended.

The workgroups presented 187 regulatory proposals with the Environment & Land Use workgroup submitting 27 proposals; the Financial Services workgroup submitting 37 proposals; the Occupations & Business Licensing workgroup submitting 90 proposals; and the Health Care workgroup submitting 33 proposals.

The regulatory changes proposed by the workgroups fall into the following four categories: 68 regulatory changes that are streamlining and clarifying in nature; 42 that focuses on modernization such as the use of electronic submissions; 56 are considered obsolete; and 21 are state or federal statutory requirements.

2016 Highlights

Best Available Technology for Removal of Nitrogen (BAT)

- Earlier this year Governor Hogan directed the Maryland Department of the Environment to remove the universal requirement that Best Available Technology for Removal of Nitrogen (BAT) systems be installed outside the Critical Area for all new construction or replacement septic systems, unless the local governing body enacts code in order to protect public health or waters of the State, or the system design is 5,000 gallons per day or greater. This change allows greater flexibility to achieve the same level of reductions through other means.

Streamlining and Clarifying Revisions

- The Motor Vehicle Administration is revising the regulatory requirements for vehicle dealerships and salespeople. These changes will update and modernize the regulatory language (for instance allowing for electronic retention and submission of records), remove outdated or irrelevant references, and add flexibility to the licensing period.

Modernization and Electronic Submissions

- To improve customer service, the Maryland Department of the Environment and Maryland Department of Transportation amended regulations regarding the Vehicle Emissions Inspection Program (VEIP) to expand the use of emerging technologies and provide opportunities to enact driver-friendly improvements.

- The licensing regulations for various provider types overseen by the Office of Health Care Quality (OHCQ) will be amended to allow for the electronic submission of both initial and renewal license application, which will save providers the costs and delays that result from being required to submit paper applications via mail or facsimile.

Obsolete References

- The Real Estate Commission under the Department of Labor, Licensing and Regulation will eliminate a list of distance learning methods (compact disc, computer, disk, etc.) and cross references methods named in statute as well as any method approved by the Maryland Real Estate Commission.

State or Federal Statutory Requirements

- The Maryland Insurance Administration will be updating the scope of the filing requirements regulation to include Administration review of a carrier's failure to act in good faith in the handling of an individual disability claim based on the 2016 passage of House Bill 990.

The Numbers

Occupational & Business Licensing Workgroup
Streamlining and Clarifying Revisions: 25
Modernization and Electronic Submissions: 10
Obsolete References: 46
State or Federal Statutory Requirements: 9
Total: 90

Financial Services Workgroup
Streamlining and Clarifying Revisions: 19
Modernization and Electronic Submissions: 5
Obsolete References: 3

State or Federal Statutory Requirements: 10
Total: 37

Environment & Land Use Workgroup
Streamlining and Clarifying Revisions: 21
Modernization and Electronic Submissions: 3
Obsolete References: 3
State or Federal Statutory Requirements: 0
Total: 27

Health Care Workgroup
Streamlining and Clarifying Revisions: 3
Modernization: 24
Obsolete References: 4
State or Federal Statutory Requirements: 2
Total: 33

Sub Totals
Streamlining and Clarifying Revisions: 68
Modernization and Electronic Submissions: 42
Obsolete References: 56
State or Federal Statutory Requirements: 21
Grand Total: 187

Commission and Duties

Maryland Regulatory Reform Commission

Governor Larry Hogan has consistently stated that one of the major goals of the Hogan-Rutherford Administration is to transform Maryland into a business-friendly state, thereby enabling Maryland to attract, retain, and foster the development of businesses and create jobs. To help accomplish this, Governor Hogan signed an Executive Order on July 9, 2015, constituting the Maryland Regulatory Reform Commission. The mission of the Commission is to: (1) communicate with the business community and identify issues relating to state government regulations that impose unreasonable burdens upon employers operating in the state, and (2) recommend regulatory reforms to the Governor.

The Governor appointed Lt. Governor Boyd K. Rutherford as an ex-officio member of the Commission, and Abba D. Poliakoff of Baltimore City serves as Chair. The Governor also appointed a diverse group of Commission members from various regions of the state with differing backgrounds and all of whom are experienced in business. The Commission began its work in August 2015, and conducted six public meetings in different regions of the state in order to give all Marylanders an opportunity to appear in person, share their experiences, and make their recommendations to the Commission for reforming the state's regulatory environment.

Focus of the Commission

The Commission's overriding mission is to identify issues resulting in an unreasonable regulatory burden and climate upon employers operating in this state, while acknowledging the balance required to preserve the health, safety, and welfare of Marylanders.

In that regard, the Commission's regulatory review falls into two major categories:

- *First, as to substantive regulations,* the Commission seeks to identify regulations that are redundant, unreasonable, unnecessary, unduly burdensome or obsolete, and to moderate, eliminate or better relate them to protect the interests that they were designed to safeguard.

- *Second, as to process,* the Commission seeks to simplify, streamline and shorten the regulatory process by, among other things, shortening review times, eliminating duplicative filings and procedures, and instituting a customer service and customer-friendly environment.

An improved business environment makes Maryland more attractive to employers and promotes job creation. Streamlined or diminished regulations reduce the costs of doing business and permits companies to focus their resources on their own growth, which can

accelerate business development, enhance access to capital, increase employment opportunities, and strengthen Maryland's tax base.

Commission Outreach

At its inception, the Commission was tasked with holding a series of public outreach meetings around the state in order to meet people in their home communities and listen to issues presented regarding how the regulatory environment affects their businesses. Concurrently, the Governor directed all agency heads to evaluate their regulations, streamline their processes and better serve the people in a manner that protects the interests of Maryland residents and accommodates the regulatory concerns expressed by employers.

In addition, letters were sent on behalf of the Governor to major business organizations, local chambers of commerce, trade associations, a wide range of individuals and businesses holding licenses, business groups in the state representing thousands of businesses, to the section counsels of the Maryland State Bar Association, and to a large number of employers soliciting their recommendations for improving the regulatory environment. The Commission also reached out to all county executives and many of the local government elected officials and requested their participation in the Commission's process.

The Commission continues to provide a website and email address for public participation. Comments and recommendations can be submitted directly to the Commission at regulatoryreform.maryland.gov or by email at regulatory.reform@maryland.gov.

Section II:
Executive Initiatives

Governor's Customer Service Initiative

On June 9, 2016, Governor Larry Hogan announced a Customer Service Initiative to improve the customer service experience for Marylanders. It consist of three core deliverables:

- A renewed focus on a strong service culture in state agencies;
- Improved customer service training for state employees; and
- The establishment of new service performance metrics, which will allow the Hogan administration and all Marylanders to track improvements in customer service over time.

The Initiative also includes a Customer Service Promise with specific commitments to the way state agencies interact with the public.

Governor Hogan appointed a team to coordinate this effort, with support from the Governor's Customer Service Workgroup. The Workgroup originated from the seven Commerce Cabinet agencies, and conducted research on customer service best practices and consumer expectations. In order to accomplish the Governor's goals, 38 state agencies were tasked with the following:

- Prominently displaying the Customer Service Promise at each entrance to building(s), in public spaces, in employee gathering places, on agency websites, and on social media platforms;
- Selecting a designee to be the Customer Service liaison. Given the importance the Governor has attached to this effort, the liaison is someone who reports directly to the agency head and has decision-making authority. Going forward, the team we will meet with the agency liaisons several times a year to share best practices, provide support and address questions and concerns;
- Completing a customer service inventory and coordinating with the Governor's Office of Performance Improvement. These inventories capture all of the services each agency provides to customers – both internal and external – so that progress can be tracked in improving customer service delivery.

- Developing a customized customer service plan for each agency. These plans will become an integral part of the strategic vision for each agency. They contain measurable steps to achieve the three core deliverables (vision, training, and metrics), include appropriate customer service performance elements and standards for employees' performance evaluation, and outline an incentive and recognition program for employees who provide excellent customer service (plan summaries are now posted on agency websites);

- Developing a timeline by which agencies will provide all employees the required customer service training. All employees are to be trained as soon as possible, with all training completed no later than October 1, 2017. While each agency will need to tailor its training to meet its specific customer service needs, all training will incorporate a core curriculum of standardized principles and expectations, including the values embodied in the Customer Service Promise;

- Several "train the trainer" sessions have been provided, aimed at those agencies that do not have their own in-house trainers. This will continue into 2017 as needed. A Trainers Workgroup has also been established to share training information and work together on a statewide training course that would be relevant for all state employees; and

- Providing all customers a satisfaction survey after they interact with an agency. The Governor's Office of Performance Improvement worked with the Department of Information Technology to implement this statewide online survey, with links from agency websites and employee email signatures.

The Governor's Customer Service Workgroup will continue to work with the Regulatory Reform Commission, sharing the successes and challenges, as they work to make the State of Maryland more customer friendly.

THE CUSTOMER SERVICE PROMISE

The State of Maryland pledges to provide constituents, businesses, customers, and stakeholders with services in the following manner:

- **Friendly and Courteous:** We will be helpful and supportive and have a positive attitude and passion for what we do.
- **Timely and Responsive:** We will be proactive, take initiative, and anticipate your needs.
- **Accurate and Consistent:** We will always aim for 100% accuracy, and be consistent in how we interpret and implement state policies and procedures.
- **Accessible and Convenient:** We will continue to simplify and improve access to information and resources.
- **Truthful and Transparent:** We will advance a culture of honesty, clarity and trust.

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Creation of the Office of Transformation and Renewal

Following the release of the initial report of the Regulatory Reform Commission, Governor Hogan appointed former Anne Arundel County Executive and State Senator Robert R. Neall as a senior advisor to the Governor and Director of the Office of Transformation and Renewal.

As head of the Office of Transformation and Renewal, Mr. Neall is leading a multi-year effort to optimize government departments and agencies within the executive branch. Working closely with members of the Cabinet as well as the legislature, Mr. Neall's primary focus is on three areas: efficiency improvements, greater accountability and performance benchmarks, and improved customer services throughout Maryland state government.

In the 40 years since the last major re-organization of the executive branch, Maryland's government has sprawled to include 23 executive branch departments, eight coordinating offices, 70 independent agencies, and over 550 boards and commissions.

The Commission's initial report concluded that agencies are working within an antiquated system that lacks consistency and communication. The report also noted significant overlapping regulatory jurisdiction between state agencies. Overall, the report called for a comprehensive review of Maryland's state government structure and organization to eliminate duplicative responsibilities and functions, improve customer service, and make better use of 21st-century technology to deliver services.

Section III:
Regulatory Changes

Streamlining and Clarifying Revisions

The following sixty-eight proposed regulatory changes from the four workgroups are streamlining and clarifying in nature. For example, Code of Maryland Regulations Citations 26.17.01.01; 26.17.01.09; 26.17.01.11 are being updated to provide more flexibility in the soil erosion and sediment control regulatory context, including providing flexibility on the 20-acre grading unit limitation.

Workgroup: Occupational & Business Licensing

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing and Regulation - Design Boards / Land Surveyors

Code of Maryland Regulations Citation: 09.13.05.03

Description: Examination Fees

Explanation of Action: Updates the regulation to reflect the fees are set by the National Council of Examiners of Engineers and Surveyors.

Workgroup: Occupational & Business Licensing

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing and Regulation - Design Boards / Engineers

Code of Maryland Regulations Citation: 09.23.04.03

Description: Examination Fees

Explanation of Action: Updates the regulation to reflect the fees are set by the National Council of Examiners of Engineers and Surveyors.

Workgroup: Occupational & Business Licensing

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing and Regulation - Real Estate Appraisers

Code of Maryland Regulations Citation: 09.19.07.01

Description: Examination Fees

Explanation of Action: Removes an outdated statutory reference and updates the regulation to reflect the fees are set by the examination vendor.

Workgroup: Occupational & Business Licensing

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing and Regulation - Real Estate Commission

Code of Maryland Regulations Citation: 09.11.01

Description: Authority Header

Explanation of Action: The reference has changed over the years and this change makes it current.

Workgroup: Occupational & Business Licensing

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing and Regulation - Real Estate Commission

Code of Maryland Regulations Citation: 09.11.01.06

Description: Submission of Credit Report

Explanation of Action: Removes certain requirements for applicants and adds language requiring the disclosure of any local, state or federal tax liens.

Workgroup: Occupational & Business Licensing

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing and Regulation - Real Estate Commission

Code of Maryland Regulations Citation: 09.11.01.16

Description: Form of Licensee's Reply to Commission's Written Inquiries

Explanation of Action: Changed to be more business friendly to allow 20 business days instead of the 20 calendar days.

Workgroup: Occupational & Business Licensing

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing and Regulation - Real Estate Commission

Code of Maryland Regulations Citation: 09.11.04.02

Description: Timeshare Rules of Procedures for Revocation

Explanation of Action: Amended to cross reference 09.01.02 Hearing Regulations

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Workgroup: Occupational & Business Licensing

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing and Regulation - Board of Cosmetologists

Code of Maryland Regulations Citation: 09.22.01.13

Description: Examination Fees

Explanation of Action: Amended to reference fees charged by the testing vendor.

Workgroup: Occupational & Business Licensing

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing and Regulation - Board of Barbers

Code of Maryland Regulations Citation: 09.16.01.08

Description: Examination Fees

Explanation of Action: Amended to reference fees charged by the testing vendor.

Workgroup: Occupational & Business Licensing

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing and Regulation - Mechanical Licensing - Electricians

Code of Maryland Regulations Citation: 09.09.01.01

Description: Amended to reflect the examination fees are set by the examination vendor.

Explanation of Action: Amended for greater flexibility.

Workgroup: Occupational & Business Licensing

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing and Regulation - Mechanical Licensing - Heating, Ventilation and Air Conditioning

Code of Maryland Regulations Citation: 09.15.01.01

Description: Amended to reflect the examination fees are set by the examination vendor.

Explanation of Action: Amended for greater flexibility.

Workgroup: Occupational & Business Licensing

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing and Regulation - Mechanical Licensing - Board of Plumbers

Code of Maryland Regulations Citation: 09.20.02.07

Description: Application for Renewal License

Explanation of Action: Changes the regulation so that the application can be made "every two years" instead of "by May 1 of each odd-numbered year". This gives the Board more flexibility in license renewals.

Workgroup: Occupational & Business Licensing

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing and Regulation - Mechanical Licensing - Board of Plumbers

Code of Maryland Regulations Citation: 09.20.02.11

Description: Removes a specific fee for examination and makes more generic.

Explanation of Action: Amended for greater flexibility.

Workgroup: Occupational & Business Licensing

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing and Regulation - Board of Foresters

Code of Maryland Regulations Citation: 09.29.01.04

Description: Amended in part and deleted a reference to obsolete language pertaining to Registered Professional Forester.

Explanation of Action: Language needs to be updated to refer to "Licensed Forester", not Registered Professional Forester."

Workgroup: Occupational & Business Licensing

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing and Regulation - Board of Public Accountancy (CPAs)

Code of Maryland Regulations Citation: 09.24.01.09

Description: Examination Fees

Explanation of Action: Updated to reflect that the examination fee is established by the organization that administers the examination.

Workgroup: Occupational & Business Licensing

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing and Regulation - Board of Architects

Code of Maryland Regulations Citation: 09.21.04.03

Description: Examination Fees

Explanation of Action: Updated to reflect that the examination fee is established by the administering organization.

Workgroup: Occupational & Business Licensing

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing and Regulation - Office of Cemetery Oversight

Code of Maryland Regulations Citation: 09.34.01.05

Description: Collateral Consequences - Felony Convictions

Explanation of Action: This change repeals the requirement for an applicant for a license to operate a cemetery to provide the Office of Cemetery Oversight with information regarding if the applicant was "convicted of any drug offense committed after January 1, 1991".

Workgroup: Occupational & Business Licensing

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing and Regulation - Division of Unemployment Insurance

Code of Maryland Regulations Citation: 09.32.02.04

Description: Reporting Requirements

Explanation of Action: Amends the section to reflect weekly unemployment insurance claim filings and other filing procedures.

Workgroup: Occupational & Business Licensing

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing and Regulation - Division of Unemployment Insurance

Code of Maryland Regulations Citation: 09.32.02.10

Description: Claims for Partial Benefits

Explanation of Action: Amends the section to provide clarifications of types of payments deductible from Unemployment Insurance benefits.

Workgroup: Occupational & Business Licensing

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing and Regulation - Division of Unemployment Insurance

Code of Maryland Regulations Citation: 09.32.01.05

Description: Reimbursing Employers

Explanation of Action: Provides explanation that unemployment insurance benefit overpayments are credited to reimbursing employers' accounts as claimants repay the improper payments.

Workgroup: Occupational & Business Licensing

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing and Regulation - Division of Unemployment Insurance

Code of Maryland Regulations Citation: 09.32.01.21

Description: Successor Employers

Explanation of Action: Revises the entire section for clarity. The first change would remove the definitions that are identical to what is listed elsewhere in the Code of Maryland Regulations. The second change would amend "successorship" rules.

Workgroup: Occupational & Business Licensing

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing and Regulation - Division of Unemployment Insurance

Code of Maryland Regulations Citation: 09.32.01.18

Description: Presumption of Employee

Explanation of Action: This change makes revisions regarding the presumption of covered employment to remove superfluous text that merely repeats the statutory text and amends the factors used to determine whether a worker is classified as working in covered employment.

Workgroup: Occupational & Business Licensing

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing and Regulation - Division of Unemployment Insurance

Code of Maryland Regulations Citation: 09.32.10.05

Description: Appeal of Audit Findings

Explanation of Action: This change makes revisions regarding employer audit procedure to make the regulations consistent with Title 8 (Unemployment Insurance law). Currently the regulations incorrectly state the time for filing an appeal with the Board of Appeals is 30 days, which may cause confusion to employers and their representatives given that appeals must be filed within 15 days.

Workgroup: Occupational & Business Licensing

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing and Regulation - Division of Unemployment Insurance

Code of Maryland Regulations Citation: 09.32.11.02

Description: Lower Appeals Division - Appeals Procedure

Explanation of Action: This change clarifies that the Lower Appeals Division hearing examiners shall admit into evidence the Agency Fact Finding Report in all cases, without the need for an agency representative to move to have the document admitted into evidence. The ability to do this exists now; however, the revision mandates this action in every case.

Workgroup: Occupational & Business Licensing

Category: Streamlining and Clarifying Revisions

Agency: State Department of Assessments and Taxation

Code of Maryland Regulations Citation: 18.04.07.03

Description: Conditions for Nonrefundable Processing Fees

Explanation of Action: Amendment to make processing fees refundable when the Department makes an error.

Workgroup: Financial Services

Category: Streamlining and Clarifying Revisions

Agency: Maryland Insurance Administration

Code of Maryland Regulations Citation: 31.08.12

Description: Ensures that all authorized insurers that utilize temporary moratoriums on the writing of property and casualty insurance, the addition of endorsements for additional coverages, or other policy changes do so in a way that balances the interests of consumers, insurers, producers, and Maryland businesses.

Explanation of Action: Based on feedback from the property and casualty industry meetings, the Maryland Insurance Administration reviewed the regulation and compared it to other states in the region to see if it was too onerous. The Administration determined that the regulation needed to be updated.

Workgroup: Financial Services

Category: Streamlining and Clarifying Revisions

Agency: Maryland Insurance Administration

Code of Maryland Regulations Citation: 31.08.09.08

Description: The purpose of this chapter is to set forth requirements for workers' compensation self-insurance groups. This chapter describes, among other things, requirements for the creation, maintenance, merger, termination, and financial affairs that apply to these types of groups.

Explanation of Action: The Maryland Insurance Administration has received industry feedback regarding this regulation and updates have been requested by industry to change certain requirements that are currently outdated.

Workgroup: Financial Services

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing, and Regulation - Financial Regulation

Code of Maryland Regulations Citation: 09.03.06.04

Description: Mortgage Lenders

Explanation of Action: Addresses licensing and application requirements. The changes are as follows:

1. Clarify meaning of "principal officer";
2. Require licensee to display license so public can view;
3. Clarify that a licensee may operate with an expired license if the licensee has submitted renewal application before deadline;
4. Relax the requirements for person responsible for resolution of complaints;
5. Authorize use of electronic licensing system as a means of communication between Commissioner and licensee; and
6. Other technical changes related to licensees and license applications.

Workgroup: Financial Services

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing, and Regulation - Financial Regulation

Code of Maryland Regulations Citation: 09.03.06.06

Description: Describes advertising and solicitation of mortgage loans.

Explanation of Action: Updates the regulation to current 21st century business practices with increased consumer protection measures.

Workgroup: Financial Services

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing, and Regulation - Financial Regulation

Code of Maryland Regulations Citation: 09.03.06.09

Description: Loan processing, mortgage lenders

Explanation of Action: Removes the requirement for mortgage lenders to disclose to an applicant, in writing, that they cannot guarantee acceptance of a borrower's application into a particular loan program.

Workgroup: Financial Services

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing, and Regulation - Financial Regulation

Code of Maryland Regulations Citation: 09.03.06.10

Description: Fees charged by mortgage lenders (loan processors) to applicants.

Explanation of Action: Adds additional criteria to these disclosures.

Workgroup: Financial Services

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing, and Regulation - Financial Regulation

Code of Maryland Regulations Citation: 09.03.06.16

Description: Bonds, letters of credit, trust accounts for mortgage lenders

Explanation of Action: Removes regulations governing claims against a bond, letter of credit or a trust account, and inserts a general provision clarifying that the Commissioner can file a claim on behalf of a consumer.

Workgroup: Financial Services

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing, and Regulation - Financial Regulation

Code of Maryland Regulations Citation: 09.03.06.18

Description: Continuing education for mortgage lenders

Explanation of Action: Makes clarifying, modernization and conforming changes regarding continuing education requirements for covered loans.

Workgroup: Financial Services

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing, and Regulation - Financial Regulation

Code of Maryland Regulations Citation: 09.03.06.21

Description: Duty of care

Explanation of Action: Permits mortgage lender licensees to use a form substantially similar to form prescribed by Commissioner, instead of mandating use of Commissioner's form.

Workgroup: Financial Services

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing, and Regulation - Financial Regulation

Code of Maryland Regulations Citation: 09.03.06.24

Description: Supervision of Mortgage Loan Originators

Explanation of Action: Protects consumers from working with mortgage originator individuals who are hired by mortgage companies that subsequently do not properly supervise their employees.

Workgroup: Financial Services

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing, and Regulation - Financial Regulation

Code of Maryland Regulations Citation: 09.03.06.26

Description: Significant Event Reporting

Explanation of Action: Guidelines for when and what information mortgage licensees would need to alert the Commissioner of Financial Regulation regarding when a "significant event" occurred (for example, a mortgage lender licensee files for bankruptcy, or other significant events).

Workgroup: Financial Services

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing, and Regulation - Financial Regulation

Code of Maryland Regulations Citation: 09.03.06.27

Description: Notice of Mortgage Servicing Transfers

Explanation of Action: Provides greater supervision for mortgage servicing companies.

Workgroup: Financial Services

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing, and Regulation - Financial Regulation

Code of Maryland Regulations Citation: 09.03.06.28

Description: Obligations Related to Mortgage Servicing Transfers

Explanation of Action: Provides greater supervision for mortgage servicing companies.

Workgroup: Financial Services

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing, and Regulation - Financial Regulation

Code of Maryland Regulations Citation: 09.03.11.01-02

Description: Recordation of Security Instruments for Residential Property

Explanation of Action: Technical changes to these two sections.

Workgroup: Financial Services

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing, and Regulation - Financial Regulation

Code of Maryland Regulations Citation: 09.03.09.01

Description: Mortgage Loan Originators - scope of title

Explanation of Action: Technical change.

Workgroup: Financial Services

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing, and Regulation - Financial Regulation

Code of Maryland Regulations Citation: 09.03.09.04

Description: Mortgage Loan Originators - Duty of Care

Explanation of Action: One change - clarifying in nature

Workgroup: Financial Services

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing, and Regulation - Financial Regulation

Code of Maryland Regulations Citation: 09.03.09.08

Description: Mortgage Loan Originators - Locations

Explanation of Action: This adds a section that clarifies and reinforces that non-depository mortgage loan originators cannot conduct business outside of their locations.

Workgroup: Financial Services

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing, and Regulation - Financial Regulation

Code of Maryland Regulations Citation: 09.03.09.09

Description: Mortgage Loan Originators - Loan Origination Under Expired License

Explanation of Action: Addresses licensing and application requirements. The changes are as follows:

1. Clarify meaning of "principal officer";
2. Require licensee to display license so public can view;
3. Clarify that a licensee may operate with an expired license if the licensee has submitted renewal application before deadline;
4. Relax the requirements for person responsible for resolution of complaints;
5. Authorize use of electronic licensing system as a means of communication between Commissioner and licensee; and
6. Other technical changes related to licensees and license applications.

Workgroup: Financial Services

Category: Streamlining and Clarifying Revisions

Agency: Department of Labor, Licensing, and Regulation - Financial Regulation

Code of Maryland Regulations Citation: 09.03.09.10

Description: Mortgage Loan Originators - Advertising and Solicitation

Explanation of Action: Updates the regulation to current 21st century business practices with increased consumer protection measures.

Workgroup: Environment & Land Use

Category: Streamlining and Clarifying Revisions

Agency: Critical Areas Commission / Maryland Department of Transportation / Maryland Department of Natural Resources / Public Service Commission

Code of Maryland Regulations Citation: 27.02.03

Description: Initiating Memoranda of Understanding with State Government Agencies

Explanation of Action: The Commission has entered into Memoranda of Understanding (MOU) with State agencies to eliminate the need for the full Commission to vote on every project that occurs in the Critical Area. Current statutory requirements authorize the Commission to determine by regulation which categories of projects it will review for approval. Through the MOU process, the Commission and the affected State agency agree that certain classes of projects do not materially affect the Critical Area or are below certain thresholds of disturbance. These agreements streamline the review process for the agencies and the Commission by saving time reviewing relatively small or benign development activities.

Workgroup: Environment & Land Use

Category: Streamlining and Clarifying Revisions

Agency: Maryland Department of the Environment / Maryland Department of Transportation

Code of Maryland Regulations Citation: 26.17.01.01; 26.17.01.09; 26.17.01.11

Description: Soil Erosion and Sediment Control/Change in Code of Maryland Regulations Erosion & Sediment Control Requirements

Explanation of Action: The Maryland Department of the Environment is going to provide more flexibility in the soil erosion and sediment control regulatory context, including: (1) providing flexibility on the 20-acre grading unit limitation; (2) extending approval periods for control plans from 2 yrs to 3 yrs; and (3) removing the requirement that the appropriate enforcement authority shall inspect the erosion and sediment control site an average of once every 2 weeks for compliance with an approved erosion and sediment control plan.

Workgroup: Environment & Land Use

Category: Streamlining and Clarifying Revisions

Agency: Maryland Department of the Environment / Maryland Department of Transportation

Code of Maryland Regulations Citation: 11.14.08

Description: Vehicle Emissions Inspection Program

Explanation of Action: Enhance the convenience and customer experience of the Vehicle Emissions Inspection Program by modifying existing regulations to expand the use of emerging technologies and provide opportunities to enact driver-friendly improvements.

Workgroup: Environment & Land Use

Category: Streamlining and Clarifying Revisions

Agency: Maryland Department of Transportation

Code of Maryland Regulations Citation: 11.12.01-11.12.25

Description: Revision of Regulations for Vehicle Dealerships and Salespeople

Explanation of Action: The Motor Vehicle Administration is revising the regulatory requirements for vehicle dealerships and salespeople. These changes will update and modernize the regulatory language (for instance allowing for electronic retention and submission of records), remove outdated or irrelevant references and add flexibility to the licensing period.

Workgroup: Environment & Land Use

Category: Streamlining and Clarifying Revisions

Agency: Maryland Department of Planning

Code of Maryland Regulations Citation: 34.04.02.05C

Description: Maryland Historical Trust Loan Program

Explanation of Action: Eliminate section .05C which requires projects funded under the Maryland Historical Trust Loan program to be located within a Priority Funding Area.

Workgroup: Environment & Land Use

Category: Streamlining and Clarifying Revisions

Agency: Maryland Department of Natural Resources - Critical Areas Commission / Maryland Department of Transportation

Code of Maryland Regulations Citation: 27.02.03

Description: Revise process

Explanation of Action: Collaborate between effected state agencies to establish a set of foundational principles to guide implementation of Critical Area requirements for development. These principles would include updating memoranduma of understanding for streamlining project review, establishment of mitigation banking, and identifying flexible options for meeting Critical Area requirements.

Workgroup: Environment & Land Use

Category: Streamlining and Clarifying Revisions

Agency: Maryland Department of Transportation / Maryland Department of the Environment

Code of Maryland Regulations Citation: 26.17.02.00 - 26.17.02.11

Description: Changes in Maryland Department of the Environment Stormwater Management Requirements and its Application to State Highway Administration / Maryland Department of Transportation Projects

Explanation of Action: The regulatory change will provide flexibility in the implementation of the stormwater management requirements and how they are specifically applied to roadway projects if needed.

Workgroup: Environment & Land Use

Category: Streamlining and Clarifying Revisions

Agency: Maryland Department of Planning

Code of Maryland Regulations Citation: 34.04.01.05C

Description: Maryland Historical Trust Grant Program

Explanation of Action: Eliminate section which requires projects funded under the Maryland Historical Trust Grant program to be located within a Priority Funding Area.

Workgroup: Environment & Land Use

Category: Streamlining and Clarifying Revisions

Agency: Maryland Department of Planning

Code of Maryland Regulations Citation: 34.04.01.06

Description: Maryland Historical Trust Grant Program

Explanation of Action: Rewrite section to read "The Trust shall direct applicants to submit one or more letters of support for the proposed activity from the chief elected officials of local jurisdictions within which the proposed activity is located." Eliminate section which requires the Trust to seek written comments from preservation and other related organizations.

Workgroup: Environment & Land Use

Category: Streamlining and Clarifying Revisions

Agency: Maryland Department of Planning

Code of Maryland Regulations Citation: 14.29.02.04B

Description: Maryland Heritage Areas Grant Program, Eligible Grantees

Explanation of Action: Delete requirement for all jurisdictions that will benefit from a Maryland Heritage Areas Authority grant to be co-applicants.

Workgroup: Environment & Land Use

Category: Streamlining and Clarifying Revisions

Agency: Maryland Department of Natural Resources

Code of Maryland Regulations Citation: 08.02.23

Description: Revision to federal shellfish aquaculture permitting process

Explanation of Action: The Maryland Department of Natural Resources will clarify that a person needs an authorization from the Department prior to engaging in certain shellfish aquaculture activities in Maryland waters and to liberalize the Shellfish Aquaculture Harvester Permit registration requirement.

Workgroup: Environment & Land Use

Category: Streamlining and Clarifying Revisions

Agency: Maryland Department of Planning

Code of Maryland Regulations Citation: 14.29.02.05A(2)(b)(i) and 14.29.02.05A(3)(b)(i)

Description: Maryland Heritage Areas Grant Program, Eligible Activities

Explanation of Action: Amend requirement that a grant project must address or complete priority activities identified in the management plan approved for the certified heritage area.

Workgroup: Environment & Land Use

Category: Streamlining and Clarifying Revisions

Agency: Maryland Department of Planning

Code of Maryland Regulations Citation: 14.29.02.06A(1)(b)(vi)

Description: Maryland Heritage Areas Grant Program, General Grant Allocation Procedures

Explanation of Action: Delete the allocation criteria related to local jurisdiction contributions to grant project costs.

Workgroup: Environment & Land Use

Category: Streamlining and Clarifying Revisions

Agency: Maryland Department of Planning

Code of Maryland Regulations Citation: 14.29.04.04B

Description: Maryland Heritage Areas Loan Program, Eligible Borrowers

Explanation of Action: Delete the requirement that loan applicants must submit the loan application with all other local jurisdictions.

Workgroup: Environment & Land Use

Category: Streamlining and Clarifying Revisions

Agency: Maryland Department of Planning

Code of Maryland Regulations Citation: 34.04.04

Description: Maryland Historical Trust Historical and Cultural Museum Assistance Program, General Update

Explanation of Action: Will be updated to reflect current position of the Maryland Historical Trust – under the Maryland Department of Planning, not Housing.

Workgroup: Environment & Land Use

Category: Streamlining and Clarifying Revisions

Agency: Maryland Department of Planning

Code of Maryland Regulations Citation: 34.04.08

Description: Use of State Museum Property, General Update

Explanation of Action: Will be updated to remove references to the Banneker Douglas Museum since the Museum and the Maryland Commission on African American History and Culture are now overseen by the Governor's Office of Community Initiatives.

Workgroup: Environment & Land Use

Category: Streamlining and Clarifying Revisions

Agency: Maryland Department of Planning

Code of Maryland Regulations Citation: 14.29.02.01

Description: Maryland Heritage Program, General Update

Explanation of Action: Change all references regarding the Department of Housing and Community Development to the Department of Planning.

Workgroup: Environment & Land Use

Category: Streamlining and Clarifying Revisions

Agency: Maryland Department of Planning

Code of Maryland Regulations Citation: 34.02.01

Description: State Clearinghouse

Explanation of Action: Changes references from Chief, State Clearinghouse for Intergovernmental Assistance to Manager, State Clearinghouse for Intergovernmental Assistance. Changes references from the Baltimore Regional Council of Governments to the Baltimore Metropolitan Council.

Workgroup: Environment & Land Use

Category: Streamlining and Clarifying Revisions

Agency: Maryland Department of Planning

Code of Maryland Regulations Citation: 34.03.02.01; 34.03.03.02

Description: Land Use, Designation of Areas of Critical State Concern and Certification of County Agricultural Land Preservation Programs

Explanation of Action: Regulation will be updated to reference the new Land Use Article.

Workgroup: Environment & Land Use

Category: Streamlining and Clarifying Revisions

Agency: Maryland Department of Planning

Code of Maryland Regulations Citation: 13B.07.01.02E(1)

Description: Maryland Higher Education Commission

Explanation of Action: Amended to include elements of the Maryland Higher Education Commission site analysis scorecard.

Workgroup: Environment & Land Use

Category: Streamlining and Clarifying Revisions

Agency: Maryland Department of Transportation

Code of Maryland Regulations Citation: 11.07.03.08

Description: Permits for Towing, Road Service - Collateral Consequences

Explanation of Action: Limit collateral consequences only to felony or misdemeanor directly related to towing, road service, or storage of vehicles and DWI/DUI.

Workgroup: Health Care

Category: Streamlining and Clarifying Revisions

Agency: Board of Nursing - Electrology Practice Committee

Code of Maryland Regulations Citation: 10.53.07.01C

Description: Electrologist's Office - Required Postings

Explanation of Action: The provision requiring an electrologist to display their license and the poster for universal precautions is no longer necessary. The license is easily verified on-line now under "Look Up A Licensee" on the Maryland Board of Nursing website (mbon.maryland.gov). Universal precautions are a part of health care provider's curriculum.

Workgroup: Health Care

Category: Streamlining and Clarifying Revisions

Agency: Office of Health Care Quality

Code of Maryland Regulations Citation: 10.07.11.04

Description: Health Maintenance Organizations - Peer Review

Explanation of Action: This regulation will be revised to eliminate the requirement for health maintenance organizations to inspect the physical environment of physicians' offices as it is beyond their scope of expertise and redundant to responsibilities of the Department.

Workgroup: Health Care

Category: Streamlining and Clarifying Revisions

Agency: Office of Health Care Quality

Code of Maryland Regulations Citation: 10.10.03.02

Description: Medical Laboratories - Licensing Requirements

Explanation of Action: This regulation for medical laboratories will be revised to allow Clinical Laboratory Improvement Amendments (CLIA) Waived Urine Drug Screens to be performed by labs under a letter of permit exception rather than requiring a state permit.

Modernization and Electronic Submissions

The forty-two regulatory changes proposed by the four workgroups below focus on modernization such as the use of electronic submissions. For example, Code of Maryland Regulations Citation 10.51.03.03 is being amended to allow for the electronic submission of both initial and renewal license application.

Workgroup: Occupational & Business Licensing

Category: Modernization and Electronic Submissions

Agency: Department of Labor, Licensing and Regulation - Real Estate Commission

Code of Maryland Regulations Citation: 09.11.06.03

Description: Course Providers

Explanation of Action: Amended to allow for payment for classes to 3rd party processors and to remove obsolete course completion certificate methods. Also amended to reflect that course credits are uploaded to the Real Estate Commission.

Workgroup: Occupational & Business Licensing

Category: Modernization and Electronic Submissions

Agency: Department of Labor, Licensing and Regulation - Real Estate Commission

Code of Maryland Regulations Citation: 09.11.06.08

Description: Conduct of Courses

Explanation of Action: These changes reflect that certificate of completion is now uploaded electronically.

Workgroup: Occupational & Business Licensing

Category: Modernization and Electronic Submissions

Agency: Department of Labor, Licensing and Regulation - Real Estate Commission

Code of Maryland Regulations Citation: 09.11.06.10

Description: Distance Learning

Explanation of Action: Allows course providers to obtain electronically a students completed distance learning course affirmation and removes obsolete cross references.

Workgroup: Occupational & Business Licensing

Category: Modernization and Electronic Submissions

Agency: Department of Labor, Licensing and Regulation - Division of Unemployment Insurance

Code of Maryland Regulations Citation: 09.32.02.05

Description: Separation Notices

Explanation of Action: Adds language to include electronic filing of separation notices.

Workgroup: Occupational & Business Licensing

Category: Modernization and Electronic Submissions

Agency: Department of Labor, Licensing and Regulation - Division of Unemployment Insurance

Code of Maryland Regulations Citation: 09.32.02.08

Description: Claims During a Labor Dispute

Explanation of Action: Updates required representative contacts to include telephone numbers and e-mail addresses.

Workgroup: Occupational & Business Licensing

Category: Modernization and Electronic Submissions

Agency: Department of Labor, Licensing and Regulation - Division of Unemployment Insurance

Code of Maryland Regulations Citation: 09.32.01.15-1

Description: Refusal of Suitable Work

Explanation of Action: Clarifies that employers' reporting of an individual refusing suitable work may be through electronic means.

Workgroup: Occupational & Business Licensing

Category: Modernization and Electronic Submissions

Agency: Department of Labor, Licensing and Regulation - Division of Unemployment Insurance

Code of Maryland Regulations Citation: 09.32.01.18-1

Description: Unemployment Insurance Tax Preparers

Explanation of Action: Updates the section to reflect current reporting requirements.

Workgroup: Occupational & Business Licensing

Category: Modernization and Electronic Submissions

Agency: Department of Labor, Licensing and Regulation - Maryland Racing Commission

Code of Maryland Regulations Citation: 09.10.01.17

Description: The regulation outlines procedures for an entry of a horse into a race.

Explanation of Action: This change updates and modernizes the regulation and allow entries to be submitted "in a manner designated by the racing secretary" (i.e. electronically).

Workgroup: Occupational & Business Licensing

Category: Modernization and Electronic Submissions

Agency: State Department of Assessments and Taxation

Code of Maryland Regulations Citation: 18.03.02.01

Description: Filing of annual reports

Explanation of Action: Amended to specifically authorize electronic filings. Also amended to remove requirement for original signature.

Workgroup: Occupational & Business Licensing

Category: Modernization and Electronic Submissions

Agency: State Department of Assessments and Taxation

Code of Maryland Regulations Citation: 18.04.08.06

Description: Other Matters

Explanation of Action: Removes obsolete references as the Department does not require separate checks for multiple filings and does not transact business via facsimile.

Workgroup: Financial Services

Category: Modernization and Electronic Submissions

Agency: Department of Labor, Licensing, and Regulation - Financial Regulation

Code of Maryland Regulations Citation: 09.03.06.03

Description: Adding a new section .03 to Chapter 6.

Explanation of Action: This action provides clarity to mortgage lenders as to how the Commissioner of Financial Regulation will exercise supervisory authority over this industry. It formally permits electronic disclosures.

Workgroup: Financial Services

Category: Modernization and Electronic Submissions

Agency: Department of Labor, Licensing, and Regulation - Financial Regulation

Code of Maryland Regulations Citation: 09.03.06.05

Description: Record-keeping requirements for mortgage lender licensees

Explanation of Action: This change updates the regulation by permitting electronic submission of information, electronic record-keeping, deletion of electronic records, permitting licensees to use secure off-site storage. It increases the amount of time to 37 months (from 25 months) records will be required to be kept after a loan is denied or repayment is made in full.
The second part of this regulatory change updates record-keeping for foreclosures.

Workgroup: Financial Services

Category: Modernization and Electronic Submissions

Agency: Department of Labor, Licensing, and Regulation - Financial Regulation

Code of Maryland Regulations Citation: 09.03.06.08

Description: Clarifies and updates the regulation governing agreements with a borrower.

Explanation of Action: The changes modernize the regulation to allow for e-signature.

Workgroup: Financial Services

Category: Modernization and Electronic Submissions

Agency: Department of Labor, Licensing, and Regulation - Financial Regulation

Code of Maryland Regulations Citation: 09.03.06.25

Description: Data Protection

Explanation of Action: Supervises the governing the security of data.

Workgroup: Financial Services

Category: Modernization and Electronic Submissions

Agency: Department of Labor, Licensing, and Regulation - Financial Regulation

Code of Maryland Regulations Citation: 09.03.09.03

Description: Mortgage Loan Originators - Education and Testing Requirements

Explanation of Action: Makes clarifying, modernization and conforming changes.

Workgroup: Environment & Land Use

Category: Modernization and Electronic Submissions

Agency: Maryland Department of Planning

Code of Maryland Regulations Citation: 34.02.01.04B(2); and 34.02.01.04A(4)

Description: Intergovernmental Review of Federal and State Programs and Activities, Content Notification

Explanation of Action: Replaces language to read "Notification information required by this regulation shall be sent electronically as a .pdf email attachment to the Maryland Department of Planning at clearinghouse@maryland.gov."

Workgroup: Environment & Land Use

Category: Modernization and Electronic Submissions

Agency: Maryland Department of Planning

Code of Maryland Regulations Citation: 34.02.01.05C(6)

Description: Intergovernmental Review of Federal and State Programs and Activities, Distribution and Referral

Explanation of Action: Replaces language to read "The Clearinghouse shall make notification information submitted to the Clearinghouse available for public review by maintaining such information in a searchable format on the Department's website."

Workgroup: Environment & Land Use

Category: Modernization and Electronic Submissions

Agency: Maryland Department of Planning

Code of Maryland Regulations Citation: 34.01.02.04B(3)

Description: Guidelines for Implementation of the Maryland Environmental Policy Act

Explanation of Action: Add the sentence "The Intergovernmental Monitor is a searchable online publication that is available at http://planning.maryland.gov/emircpublic/." All projects received for intergovernmental review are downloaded onto the online "Intergovernmental Monitor."

Workgroup: Health Care

Category: Modernization and Electronic Submissions

Agency: Office of Health Care Quality

Code of Maryland Regulations Citation: 10.07.12.04

Description: Licensure Procedures for a Health Care Facility within a Correctional Institution - Application

Explanation of Action: This regulation will be revised to allow for electronic filing of application documentation.

Workgroup: Health Care

Category: Modernization and Electronic Submissions

Agency: Office of Health Care Quality

Code of Maryland Regulations Citation: 10.05.01.04

Description: Freestanding Ambulatory Care Facilities - Initial Application and Renewal of License

Explanation of Action: This licensing regulation will be amended to allow for the electronic submission of both initial and renewal license application, thus saving providers the costs and delays resulting from being required to submit paper applications via mail or facsimile.

Workgroup: Health Care

Category: Modernization and Electronic Submissions

Agency: Office of Health Care Quality

Code of Maryland Regulations Citation: 10.07.01.04

Description: Initial Application and Renewal of License

Explanation of Action: This licensing regulation will be amended to allow for the electronic submission of both initial and renewal license application, thus saving providers the costs and delays resulting from being required to submit paper applications via mail or facsimile.

Workgroup: Health Care

Category: Modernization and Electronic Submissions

Agency: Office of Health Care Quality

Code of Maryland Regulations Citation: 10.07.02.03

Description: Comprehensive Care Facilities and Extended Care Facilities - Initial Application and Renewal of License

Explanation of Action: This licensing regulation will be amended to allow for the electronic submission of both initial and renewal license application, thus saving providers the costs and delays resulting from being required to submit paper applications via mail or facsimile.

Workgroup: Health Care

Category: Modernization and Electronic Submissions

Agency: Office of Health Care Quality

Code of Maryland Regulations Citation: 10.07.03.05

Description: Health Care Staffing Agencies - Initial Application and Renewal of License

Explanation of Action: This licensing regulation will be amended to allow for the electronic submission of both initial and renewal license application, thus saving providers the costs and delays resulting from being required to submit paper applications via mail or facsimile.

Workgroup: Health Care

Category: Modernization and Electronic Submissions

Agency: Office of Health Care Quality

Code of Maryland Regulations Citation: 10.07.04.03

Description: Residential Treatment Centers for Emotionally Disturbed Children and Adolescents Initial Licensure Application and Renewal of License.

Explanation of Action: This licensing regulation will be amended to allow for the electronic submission of both initial and renewal license application, thus saving providers the costs and delays resulting from being required to submit paper applications via mail or facsimile. In addition, the regulations for residential treatment centers for adolescents will be amended to streamline and update the licensure process as these facilities are now required to be accredited by The Joint Commission, the voluntary national healthcare accreditation service recognized for Medicare certification purposes. Further, Centers for Medicare & Medicaid Services (CMS) now has certification for these facilities.

Workgroup: Health Care

Category: Modernization and Electronic Submissions

Agency: Office of Health Care Quality

Code of Maryland Regulations Citation: 10.07.05.04

Description: Residential Service Agencies - Initial Application and Renewal of License

Explanation of Action: This licensing regulation will be amended to allow for the electronic submission of both initial and renewal license application, thus saving providers the costs and delays resulting from being required to submit paper applications via mail or facsimile.

Workgroup: Health Care

Category: Modernization and Electronic Submissions

Agency: Office of Health Care Quality

Code of Maryland Regulations Citation: 10.07.07.04

Description: Nursing Referral Service Agencies - Initial Application and Renewal of License

Explanation of Action: This licensing regulation will be amended to allow for the electronic submission of both initial and renewal license application, thus saving providers the costs and delays resulting from being required to submit paper applications via mail or facsimile.

Workgroup: Health Care

Category: Modernization and Electronic Submissions

Agency: Office of Health Care Quality

Code of Maryland Regulations Citation: 10.07.08.04

Description: Freestanding Medical Facilities - Initial Application

Explanation of Action: This licensing regulation will be amended to allow for the electronic submission of both initial and renewal license application, thus saving providers the costs and delays resulting from being required to submit paper applications via mail or facsimile.

Workgroup: Health Care

Category: Modernization and Electronic Submissions

Agency: Office of Health Care Quality

Code of Maryland Regulations Citation: 10.07.08.05

Description: Freestanding Medical Facilities - Renewal of License

Explanation of Action: This licensing regulation will be amended to allow for the electronic submission of both initial and renewal license application, thus saving providers the costs and delays resulting from being required to submit paper applications via mail or facsimile.

Workgroup: Health Care

Category: Modernization and Electronic Submissions

Agency: Office of Health Care Quality

Code of Maryland Regulations Citation: 10.07.10.04

Description: Home Health Agencies - Initial Application and Renewal of License

Explanation of Action: This licensing regulation will be amended to allow for the electronic submission of both initial and renewal license application, thus saving providers the costs and delays resulting from being required to submit paper applications via mail or facsimile.

Workgroup: Health Care

Category: Modernization and Electronic Submissions

Agency: Office of Health Care Quality

Code of Maryland Regulations Citation: 10.07.14.07

Description: Assisted Living Programs - Initial Application and Renewal of License

Explanation of Action: This licensing regulation will be amended to allow for the electronic submission of both initial and renewal license application, thus saving providers the costs and delays resulting from being required to submit paper applications via mail or facsimile.

Workgroup: Health Care

Category: Modernization and Electronic Submissions

Agency: Office of Health Care Quality

Code of Maryland Regulations Citation: 10.07.16.05

Description: Limited Private Inpatient Facilities - Initial Application and Renewal of License

Explanation of Action: This licensing regulation will be amended to allow for the electronic submission of both initial and renewal license application, thus saving providers the costs and delays resulting from being required to submit paper applications via mail or facsimile.

Workgroup: Health Care

Category: Modernization and Electronic Submissions

Agency: Office of Health Care Quality

Code of Maryland Regulations Citation: 10.07.17.03

Description: Limited Service Hospital - Application

Explanation of Action: This licensing regulation will be amended to allow for the electronic submission of both initial and renewal license application, thus saving providers the costs and delays resulting from being required to submit paper applications via mail or facsimile.

Workgroup: Health Care

Category: Modernization and Electronic Submissions

Agency: Office of Health Care Quality

Code of Maryland Regulations Citation: 10.07.17.04

Description: Limited Service Hospital - Renewal of License

Explanation of Action: This licensing regulation will be amended to allow for the electronic submission of both initial and renewal license application, thus saving providers the costs and delays resulting from being required to submit paper applications via mail or facsimile.

Workgroup: Health Care

Category: Modernization and Electronic Submissions

Agency: Office of Health Care Quality

Code of Maryland Regulations Citation: 10.07.18.04

Description: Comprehensive Rehabilitation Facilities - Initial Application and Renewal of License

Explanation of Action: This licensing regulation will be amended to allow for the electronic submission of both initial and renewal license application, thus saving providers the costs and delays resulting from being required to submit paper applications via mail or facsimile.

Workgroup: Health Care

Category: Modernization and Electronic Submissions

Agency: Office of Health Care Quality

Code of Maryland Regulations Citation: 10.07.20.04

Description: Intermediate Care Facilities for Individuals with Intellectual Disabilities or Persons with Related Conditions (ICF/IID) - Initial Application and Renewal of License

Explanation of Action: This licensing regulation will be amended to allow for the electronic submission of both initial and renewal license application, thus saving providers the costs and delays resulting from being required to submit paper applications via mail or facsimile.

Workgroup: Health Care

Category: Modernization and Electronic Submissions

Agency: Office of Health Care Quality

Code of Maryland Regulations Citation: 10.07.21.04

Description: Hospice Care Programs - Initial Application and Renewal of License

Explanation of Action: This licensing regulation will be amended to allow for the electronic submission of both initial and renewal license application, thus saving providers the costs and delays resulting from being required to submit paper applications via mail or facsimile.

Workgroup: Health Care

Category: Modernization and Electronic Submissions

Agency: Office of Health Care Quality

Code of Maryland Regulations Citation: 10.51.03.02

Description: Forensic Laboratories - Application Process

Explanation of Action: This licensing regulation will be amended to allow for the electronic submission of both initial and renewal license application, thus saving providers the costs and delays resulting from being required to submit paper applications via mail or facsimile.

Workgroup: Health Care

Category: Modernization and Electronic Submissions

Agency: Office of Health Care Quality

Code of Maryland Regulations Citation: 10.51.03.03

Description: Forensic Laboratories Location - Initial Application and Renewal of License

Explanation of Action: This licensing regulation will be amended to allow for the electronic submission of both initial and renewal license application, thus saving providers the costs and delays resulting from being required to submit paper applications via mail or facsimile.

Workgroup: Health Care

Category: Modernization and Electronic Submissions

Agency: Office of Health Care Quality - Behavioral Health Administration

Code of Maryland Regulations Citation: 10.21.16.04

Description: Community Mental Health Programs - Application

Explanation of Action: This licensing regulation will be amended to allow for the electronic submission of both initial and renewal license application, thus saving providers the costs and delays resulting from being required to submit paper applications via mail or facsimile.

Workgroup: Health Care

Category: Modernization and Electronic Submissions

Agency: Office of Health Care Quality - Developmental Disabilities Administration

Code of Maryland Regulations Citation: 10.22.02.02

Description: Developmental Disabilities - Initial Application and Renewal of License

Explanation of Action: This licensing regulation will be amended to allow for the electronic submission of both initial and renewal license application, thus saving providers the costs and delays resulting from being required to submit paper applications via mail or facsimile.

Workgroup: Health Care

Category: Modernization and Electronic Submissions

Agency: Office of Health Care Quality - Behavioral Health Administration

Code of Maryland Regulations Citation: 10.47.04.05

Description: Alcohol and Drug Abuse Administration - Application

Explanation of Action: This licensing regulation will be amended to allow for the electronic submission of both initial and renewal license application, thus saving providers the costs and delays resulting from being required to submit paper applications via mail or facsimile.

Workgroup: Health Care

Category: Modernization and Electronic Submissions

Agency: Office of Health Care Quality - Behavioral Health Administration

Code of Maryland Regulations Citation: 10.47.04.04

Description: Alcohol and Drug Abuse Administration - Initial and Provisional Certifications

Explanation of Action: This licensing regulation will be amended to allow for the electronic submission of both initial and renewal license application, thus saving providers the costs and delays resulting from being required to submit paper applications via mail or facsimile.

Obsolete References

The fifty-six regulatory changes proposed by the four workgroups below focus on removing obsolete references. For example, Code of Maryland Regulations Citation 10.07.01.21 is being updated to reflect that pre-authorizations required for new procedures in 1986 are no longer necessary as they are now routine.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - Design Boards / Land Surveyors

Code of Maryland Regulations Citation: 09.13.03.03

Description: Survey Markers / Marker Identification

Explanation of Action: Change "corporation or partnership" to "firm."

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - Real Estate Appraisers

Code of Maryland Regulations Citation: 09.36.02.01

Description: Work Experience

Explanation of Action: Repeals obsolete work experience requirements for home inspectors established under the grandfather clause in statute.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - Real Estate Commission

Code of Maryland Regulations Citation: 9.11.01.04

Description: Failure to Renew License

Explanation of Action: The statute has changed and now conflicts with this regulation.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - Real Estate Commission

Code of Maryland Regulations Citation: 09.11.01.07

Description: Records of Transactions for Real Estate Brokers and Salespersons

Explanation of Action: All but one requirement is duplicative and less specific than what is listed in statute.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - Real Estate Commission

Code of Maryland Regulations Citation: 09.11.01.08

Description: Surrender by Broker of License of Salesmen under Broker Control

Explanation of Action: Licenses are sent electronically. There is no need to return the license.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - Real Estate Commission

Code of Maryland Regulations Citation: 09.11.01.09

Description: Establishing an Escrow or Special Account

Explanation of Action: Makes stylistic changes and removes a reference to the Maryland Housing Resource Corporation, which no longer exists

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Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - Real Estate Commission

Code of Maryland Regulations Citation: 09.11.01.11

Description: Instruction in Real Estate Principles and Practices for Salespersons

Explanation of Action: This regulation will be amended to address to reflect the Commission's current procedure that is used for qualifying out of state licensees for a Maryland license.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - Real Estate Commission

Code of Maryland Regulations Citation: 09.11.01.26

Description: Examinations

Explanation of Action: Language no longer needed.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - Real Estate Commission

Code of Maryland Regulations Citation: 09.11.03.04

Description: Guaranty Fund Claim basis

Explanation of Action: Duplicative of statutory language.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - Real Estate Commission

Code of Maryland Regulations Citation: 09.11.04.01

Description: Application for Timeshare Registration

Explanation of Action: This repeals hearing procedures which are now listed in statute.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - Real Estate Commission

Code of Maryland Regulations Citation: 09.11.06.01

Description: Definitions

Explanation of Action: Eliminates a list of distance learning methods (compact disc, computer, disk, etc.) and cross references methods named in statute as well as any method approved by the Maryland Real Estate Commission.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - Real Estate Commission

Code of Maryland Regulations Citation: 09.11.06.05

Description: Course Content

Explanation of Action: This section is no longer necessary and is too restrictive for course subject areas.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - Real Estate Commission

Code of Maryland Regulations Citation: 09.11.06.09

Description: Licensee Credit Hours

Explanation of Action: Removes an outdated reference and repeals the section that reads "Technology. A licensee may only use continuing education credits that total 3 clock hours on the topic of technology relating to real estate brokerage services toward license renewal during a 2-year licensing period."

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - State Athletic Commission

Code of Maryland Regulations Citation: 09.14.01.02

Description: Meetings

Explanation of Action: Amended to allow for the State Athletic Commission to meet regularly and removes an outdated Maryland Register publication requirement.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - State Athletic Commission

Code of Maryland Regulations Citation: 09.14.04.10

Description: Medical Suspensions

Explanation of Action: Amend scope of requirements for the indefinite medical suspension of a contestant to include all indefinite medical suspensions imposed by a physician appointed by the State Athletic Commission.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - State Athletic Commission

Code of Maryland Regulations Citation: 09.14.06.10

Description: Low-Blow Foul

Explanation of Action: The regulation will be amended to state that a contest shall be ruled a "no contest" instead of a "draw" if the senior physician determines that the boxer cannot continue.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - State Athletic Commission

Code of Maryland Regulations Citation: 09.14.04.04

Description: Precontest Examinations

Explanation of Action: The current blood pressure regulatory guideline is outdated.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - State Athletic Commission

Code of Maryland Regulations Citation: 09.14.08.04

Description: Physical Examinations

Explanation of Action: The current blood pressure regulatory guideline is outdated.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - Office of Cemetery Oversight

Code of Maryland Regulations Citation: 09.34.02.03

Description: Provides details about perpetual care reports

Explanation of Action: Duplicative of what is in statute.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - Board of Cosmetologists

Code of Maryland Regulations Citation: 09.22.01.15

Description: Make-up Artist license

Explanation of Action: This license is obsolete and no longer required.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - Board of Cosmetologists

Code of Maryland Regulations Citation: 09.22.01.12

Description: All fees non-refundable

Explanation of Action: Statement not true. Fees are returned based on administrative process.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation

Code of Maryland Regulations Citation: 09.15.02.07

Description: State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors – General Regulations

Explanation of Action: Removes an obsolete provision for grandfathering an examination from Anne Arundel and Prince George's Counties.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation

Code of Maryland Regulations Citation: 09.15.02.09

Description: State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors – General Regulations

Explanation of Action: Removes obsolete provision that gives credit received before licensing.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - Mechanical Licensing - Heating, Ventilation and Air Conditioning

Code of Maryland Regulations Citation: 09.15.02.10

Description: State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors – General Regulations

Explanation of Action: Removes obsolete dates by which to submit applications.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - Mechanical Licensing - Stationary Engineers

Code of Maryland Regulations Citation: 09.17.01.02

Description: Board of Stationary Engineers - General Regulations

Explanation of Action: Removes an obsolete date to apply for a license after examination.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - Mechanical Licensing - Board of Plumbers

Code of Maryland Regulations Citation: 09.20.02.02

Description: Board of Plumbing - Enforcement of the Plumbing Law by the Board

Explanation of Action: Removes an obsolete date for apprentice hours to count towards licensure.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - Mechanical Licensing - Board of Plumbers

Code of Maryland Regulations Citation: 09.20.02.06

Description: Board of Plumbing - Enforcement of the Plumbing Law by the Board

Explanation of Action: Clarifies the examination challenge process for an applicant who fails an examination.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - Mechanical Licensing

Code of Maryland Regulations Citation: 09.35.04.10

Description: Elevator Safety Review Board - Continuing Professional Competency

Explanation of Action: Removes obsolete dates for Continuing Professional Competency (CPC) requirements.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - Board of Foresters

Code of Maryland Regulations Citation: 09.29.01.06

Description: Removes definitions of "Forestry" and Forestry activity".

Explanation of Action: Removes definitions already defined in statutory language of Title 7-101 (c) and (d) of the Maryland Forestry Act.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - Board of Foresters

Code of Maryland Regulations Citation: 09.29.01.02

Description: Deletes general references to the organization of the Board, staff duties; and the procedures for the conduct of formal hearings.

Explanation of Action: Removes language pertaining to Board organization under the - Business Occupations and Professions Article, Title 7-203, 204, 205 206 and 7-309 - 711.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - Board of Foresters

Code of Maryland Regulations Citation: 09.29.01.03

Description: Delete Regulations A., C., E., and F.

Explanation of Action: Removes language regarding hearings that involve the content of applications that is duplicative of statutory language in the Business Occupations and Professions Article, Titles 7-304 and 7-305; and the hearing procedures that are set forth by Title

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Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - Division of Unemployment Insurance

Code of Maryland Regulations Citation: 09.32.02.09

Description: Elimination of Sick Claims

Explanation of Action: Deletes the section as the provision was deleted from the Maryland Unemployment Insurance Law.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - Division of Unemployment Insurance

Code of Maryland Regulations Citation: 09.32.01.12

Description: Magnetic Media Reporting

Explanation of Action: Deletes the section as magnetic media is no longer accepted.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - Division of Unemployment Insurance

Code of Maryland Regulations Citation: 09.32.01.24

Description: Deletion of Wages - Aggravated Misconduct

Explanation of Action: This provision was deleted from the Maryland Unemployment Insurance Law approximately 20 years ago.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - Maryland Racing Commission

Code of Maryland Regulations Citation: 09.10.01.04

Description: Specifies that a track licensee must submit to the Racing Commission written criteria defining the eligibility criteria that a horse must meet to be considered for stall space at a track. Rule allows for an appeal process upon denial.

Explanation of Action: Repeals this requirement. Horse stalls are private property and thus the owner of the stall does not need a reason to not allow a horse in a stall.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - Maryland Racing Commission

Code of Maryland Regulations Citation: 09.10.01.07

Description: The regulation addresses what are known as claim races.

Explanation of Action: The proposal would make two clarifying changes to the existing regulation: clarify the type of race a horse could start in after not racing for at least 180 days, and removes a provision that a claim be deposited in a locked box.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - Maryland Racing Commission

Code of Maryland Regulations Citation: 09.10.01.12

Description: The regulation addresses what happens when a race ends in a dead heat.

Explanation of Action: This change repeals the prohibition to conduct a dead heat run off. Run offs are not conducted any more, repealing this prohibition would have no impact.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - Maryland Racing Commission

Code of Maryland Regulations Citation: 09.10.01.22

Description: This regulation addresses jockey agents.

Explanation of Action: Removes the use of an "engagement book" by jockey agents as they are no longer used.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - Maryland Racing Commission

Code of Maryland Regulations Citation: 09.10.01.23

Description: Apprentice Jockeys

Explanation of Action: Repeals the contract and certificate provisions between apprentice jockey and owner/trainer.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - Maryland Racing Commission

Code of Maryland Regulations Citation: 09.10.01.29

Description: Paddock to Post

Explanation of Action: Removes the requirement for a bell to be rung indicating time to saddle. It also changes the requirement to use a bugle to announce the time to post to be permissive (may) as opposed to a requirement (shall).

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - Maryland Racing Commission

Code of Maryland Regulations Citation: 09.10.01.36

Description: Racing Officials on days of live racing

Explanation of Action: Removes the requirement for a "clerk of the course" from the list of required racing officials for each live race day.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - Maryland Racing Commission

Code of Maryland Regulations Citation: 09.10.01.37

Description: Clerk of the Course

Explanation of Action: Repeals duties of the clerk of the course.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - Maryland Racing Commission

Code of Maryland Regulations Citation: 09.10.01.54

Description: Scale of Weights

Explanation of Action: Repeals the scale of weights system that is no longer used.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - Maryland Racing Commission

Code of Maryland Regulations Citation: 09.10.01.58

Description: Weighing In (after a race)

Explanation of Action: Removes the requirement for a jockey to request permission from a steward to dismount the horse after a race. This is no longer done in practice.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: Department of Labor, Licensing and Regulation - Maryland Racing Commission

Code of Maryland Regulations Citation: 09.10.04.08

Description: Associations holding a racing operation or operating a training center

Explanation of Action: Repeals a prohibition for a track from having space that facilitates "come-back" money and repeals the prohibition on the use of "handbooks" at a track.

Workgroup: Occupational & Business Licensing

Category: Obsolete References

Agency: State Department of Assessments and Taxation

Code of Maryland Regulations Citation: 18.04.05.02

Description: Evidence of Tax Payment

Explanation of Action: This affidavit is no longer required by the Department.

Workgroup: Financial Services

Category: Obsolete References

Agency: Maryland Insurance Administration

Code of Maryland Regulations Citation: 31.05.11.02, 31.05.12.01

Description: 31.05.11.02 provides definitions of various terms used in this chapter.

Explanation of Action: Chapter 354 (Maryland Law of 2014) repealed Sections 24-101 through 24-110 of the Insurance Article, Annotated Code of Maryland, which provided the legal authority for Legal Mutual. Therefore, as of January 1, 2016, they no longer exist and therefore, the regulations will be amended to remove "The Legal Mutual Liability Insurance Society of Maryland."

Workgroup: Financial Services

Category: Obsolete References

Agency: Maryland Insurance Administration

Code of Maryland Regulations Citation: 31.10.21.03A

Description: The purpose of this regulation is to lay out the requirements that a private review agent shall submit any revisions or modifications of specific criteria to the Commissioner at least 10 days before using the modified specific criteria and standards.

Explanation of Action: The requirements of this regulation are derived from Insurance Article, Section 15-10B-05(b), Annotated Code of Maryland, which has been repealed by House Bill 798, Chapter 121, Acts of the General Assembly of 2016.

Workgroup: Financial Services

Category: Obsolete References

Agency: Department of Labor, Licensing, and Regulation - Financial Regulation

Code of Maryland Regulations Citation: 09.03.09.06

Description: Mortgage Loan Originators - NMLS or Background Checks for license applicants

Explanation of Action: The first change repeals an outdated provision that ended in 2011. The second and subsequent changes are technical and clarifying in nature.

Workgroup: Environment & Land Use

Category: Obsolete References

Agency: Maryland Department of Planning

Code of Maryland Regulations Citation: 14.29.03.03B(13)

Description: Certified Heritage Areas, Eligible Proposals

Explanation of Action: Delete requirement to provide specific baseline performance data for the heritage area in a management plan. This regulation includes a list of the required components that must be included in a heritage area management plan.

Workgroup: Environment & Land Use

Category: Obsolete References

Agency: Maryland Department of Agriculture

Code of Maryland Regulations Citation: 15.03.04, 15.03.05, 15.03.06

Description: Milk testing

Explanation of Action: There are several outdated milk testing regulations through the weights and measures section.

Workgroup: Environment & Land Use

Category: Obsolete References

Agency: Maryland Department of Planning

Code of Maryland Regulations Citation: 34.02.01.02A; and 34.02.01.11, 34.02.01.12

Description: Intergovernmental Review of Federal and State Programs and Activities

Explanation of Action: Language within certain federal or state grant agreements may require Clearinghouse review, thus it is important to check with Clearinghouse. The State and Federal programs currently listed in COMAR are no longer needed and can be repealed.

Workgroup: Health Care

Category: Obsolete References

Agency: Office of Health Care Quality

Code of Maryland Regulations Citation: 10.07.01.21

Description: Preauthorization Requirement

Explanation of Action: This chapter applies to all hospitals in Maryland. The procedures for which pre-authorization was required in the 1986 regulation were relatively new at that time, but are now routinely ordered and performed. Therefore pre-authorization is no longer relevant and can be removed.

Workgroup: Health Care

Category: Obsolete References

Agency: Office of Health Care Quality

Code of Maryland Regulations Citation: 10.07.11.05

Description: Health Maintenance Organizations - Medical Records

Explanation of Action: When written in 1987, the regulation required all health maintenance organizations to maintain medical records. This regulation shall be revised to reflect that other than staff model health maintenance organizations, a health maintenance organization is not required to maintain medical records for each enrollee.

Workgroup: Health Care

Category: Obsolete References

Agency: Office of Health Care Quality

Code of Maryland Regulations Citation: 10.07.11.10

Description: Physician Availability

Explanation of Action: This regulation was written for staff model health maintenance organizations prevalent in the 1980's. Currently there is only one such HMO remaining in Maryland. The regulation will be revised to address the current non-staff model health maintenance organizations in relation to ensuring enrollees' access to services and health maintenance organization staffing responsibilities.

Workgroup: Health Care

Category: Obsolete References

Agency: Office of Health Care Quality

Code of Maryland Regulations Citation: 10.07.12.20

Description: Health Care Facilities with Correctional Facilities - Dietary Services.

Explanation of Action: This 1978 regulation for prison hospitals will be revised to reflect current dietary standards established by national dietary organizations.

State or Federal Statutory Requirements

The twenty-one regulatory changes proposed by the four workgroups below are updated based on state or federal statutory requirements. For example, Code of Maryland Regulations Citation 09.03.06.02 needs to be updated reflect federal rules in the Dodd–Frank Wall Street Reform and Consumer Protection Act.

Workgroup: Occupational & Business Licensing

Category: State or Federal Statutory Requirements

Agency: Department of Labor, Licensing and Regulation - Real Estate Commission

Code of Maryland Regulations Citation: 09.11.01.15

Description: Granting of Real Estate Salesman's License

Explanation of Action: Conflicts with statute (Business Occupations and Professions Article § 17-303). The statute includes more requirements than regulation.

Workgroup: Occupational & Business Licensing

Category: State or Federal Statutory Requirements

Agency: Department of Labor, Licensing and Regulation - Real Estate Commission

Code of Maryland Regulations Citation: 09.11.01.21

Description: Disposition of Deposit Monies Held by Licensees

Explanation of Action: This change adds to the regulation by incorporating Business Occupations and Professions Article § 17-505(4) for consistency between the statute and regulation.

Workgroup: Occupational & Business Licensing

Category: State or Federal Statutory Requirements

Agency: Department of Labor, Licensing and Regulation - Real Estate Commission

Code of Maryland Regulations Citation: 09.11.02.01

Description: Relations to the Public

Explanation of Action: This regulation has been overridden by new statute (Chapter 433, Acts of 2016).

Workgroup: Occupational & Business Licensing

Category: State or Federal Statutory Requirements

Agency: Department of Labor, Licensing and Regulation - Board of Cosmetologists

Code of Maryland Regulations Citation: 09.22.01.11

Description: Hearing-impaired individuals registered as apprentices shall participate in courses during the apprenticeship to allow them to understand directions, explanations, or needs of examiners and patrons.

Explanation of Action: Needs to be updated to reflect Americans with Disabilities Act requirements. The burden of accommodation is on the sponsor not the apprentice.

Workgroup: Occupational & Business Licensing

Category: State or Federal Statutory Requirements

Agency: Department of Labor, Licensing and Regulation - Mechanical Licensing - Heating, Ventilation and Air Conditioning

Code of Maryland Regulations Citation: 09.15.02.01

Description: State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors – General Regulations

Explanation of Action: Removes an obsolete date to file an application for licensure.

Workgroup: Occupational & Business Licensing

Category: State or Federal Statutory Requirements

Agency: Department of Labor, Licensing and Regulation - Mechanical Licensing - Heating, Ventilation and Air Conditioning

Code of Maryland Regulations Citation: 09.15.02.06

Description: State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors – General Regulations

Explanation of Action: Removes an obsolete date to file an application for licensure.

Workgroup: Occupational & Business Licensing

Category: State or Federal Statutory Requirements

Agency: Department of Labor, Licensing and Regulation - Division of Unemployment Insurance

Code of Maryland Regulations Citation: 09.32.02.13

Description: Severance Pay

Explanation of Action: Current regulations do not follow the severance payment provisions enacted in 2009. The Department needs to clarify that severance payments are deductible from unemployment insurance benefits if employee/claimant was asked to sign a general release before payment. This does not include specific payments for damages or other special payments.

Workgroup: Occupational & Business Licensing

Category: State or Federal Statutory Requirements

Agency: Department of Labor, Licensing and Regulation - Division of Unemployment Insurance

Code of Maryland Regulations Citation: 09.32.02.14

Description: Deduction of Retirements Benefits

Explanation of Action: Clarifies definitions and deductions based on statutory changes.

Workgroup: Occupational & Business Licensing

Category: State or Federal Statutory Requirements

Agency: State Department of Assessments and Taxation

Code of Maryland Regulations Citation: 18.04.02.06

Description: Foreign Entity Assumed Names

Explanation of Action: This regulation is amended to allow foreign LLCs, LLPs and LPs to use assumed names even when the foreign entity name is available in Maryland.

Workgroup: Financial Services

Category: State or Federal Statutory Requirements

Agency: Maryland Insurance Administration

Code of Maryland Regulations Citation: 31.08.11

Description: Filing requirements for the Maryland Insurance Administration review of carriers failing to act in good faith in the handling of property and casualty claims.

Explanation of Action: The Maryland Insurance Administration will be updating the scope of the regulation to include Maryland Insurance Administration review of carrier's failure to act in good faith in the handling of an individual disability claim based on the 2016 passage of House Bill 990.

Workgroup: Financial Services

Category: State or Federal Statutory Requirements

Agency: Maryland Insurance Administration

Code of Maryland Regulations Citation: 31.08.13

Description: Established notice requirements to insureds when carriers require a mandatory percentage deductible for a homeowner policy.

Explanation of Action: House Bill 557 from the 2016 session incorporated part of the notice requirement into the statute which requires the regulation to be repealed in part.

Workgroup: Financial Services

Category: State or Federal Statutory Requirements

Agency: Maryland Insurance Administration

Code of Maryland Regulations Citation: 31.10.38

Description: The purpose of this chapter is to establish a limit on the value of incentives offered by carriers in bona fide wellness programs.

Explanation of Action: The definition of "bona fide wellness program" in this chapter needs to be amended after a change occurred in the referenced law and no such definition exists. The Maryland Insurance Administration will amend the definition to refer to the definition of "wellness program" in § 27-210 of the Insurance Article.

Workgroup: Financial Services

Category: State or Federal Statutory Requirements

Agency: Department of Labor, Licensing, and Regulation - Financial Regulation

Code of Maryland Regulations Citation: 09.03.06.02

Description: Definitions - Updating

Explanation of Action: Code of Maryland Regulations Title 9, Subtitle 3, Chapter 6 impacts mortgage lenders. Section .02 includes definitions. Many of these definitions are being updated to refer to new federal rules passed in the Dodd–Frank Wall Street Reform and Consumer Protection Act.

Workgroup: Financial Services

Category: State or Federal Statutory Requirements

Agency: Department of Labor, Licensing, and Regulation - Financial Regulation

Code of Maryland Regulations Citation: 09.03.06.07

Description: Describes financing agreements/settlements.

Explanation of Action: These are required disclosures that conform to federal law and regulations.

Workgroup: Financial Services

Category: State or Federal Statutory Requirements

Agency: Department of Labor, Licensing, and Regulation - Financial Regulation

Code of Maryland Regulations Citation: 09.03.06.19

Description: Currently: Special Rules for Covered Loans
New: Ability to Repay

Explanation of Action: There are currently two separate methods of doing the ability to repay analysis for riskier mortgage applicants. This change would modernize the regulation to conform this requirement to federal law. This provides mortgage lenders with a reduced compliance cost without implementing a weaker standard.

Workgroup: Financial Services

Category: State or Federal Statutory Requirements

Agency: Department of Labor, Licensing, and Regulation - Financial Regulation

Code of Maryland Regulations Citation: 09.03.12.01

Description: Foreclosure Procedures - Definitions

Explanation of Action: This change adds two definitions to the regulatory framework governing foreclosures.

Workgroup: Financial Services

Category: State or Federal Statutory Requirements

Agency: Department of Labor, Licensing, and Regulation - Financial Regulation

Code of Maryland Regulations Citation: 09.03.12.02

Description: Notice of Intent to Foreclose

Explanation of Action: Updates these regulations to current statute.

Workgroup: Financial Services

Category: State or Federal Statutory Requirements

Agency: Department of Labor, Licensing, and Regulation - Financial Regulation

Code of Maryland Regulations Citation: 09.03.09.02

Description: Mortgage Loan Originators - definitions

Explanation of Action: Modernization, conformity with federal law, updating reference to state statute.

Workgroup: Financial Services

Category: State or Federal Statutory Requirements

Agency: Department of Labor, Licensing, and Regulation - Financial Regulation

Code of Maryland Regulations Citation: 09.03.09.05

Description: Mortgage Loan Originators - Applications

Explanation of Action: This change alters the section to guide mortgage loan originators on applications generally, instead of how to proceed with incomplete applications. The changes here mirror those for mortgage lenders.

Workgroup: Health Care

Category: State or Federal Statutory Requirements

Agency: Office of Health Care Quality

Code of Maryland Regulations Citation: 10.07.09.08

Description: Residents' Bill of Rights: Comprehensive Care Facilities and Extended Care Facilities - Patient Rights.

Explanation of Action: This regulation applies to comprehensive care facilities and extended care facilities. The regulation will be amended to reflect the statute that allows private visitation or sharing a room with a spouse or a domestic partner. Currently the regulation restricts these privileges to a spouse only.

Workgroup: Health Care

Category: State or Federal Statutory Requirements

Agency: Office of Health Care Quality

Code of Maryland Regulations Citation: 10.07.11.09

Description: Access and Availability of Services

Explanation of Action: This regulation will be updated to reflect Maryland Insurance Administration legislation regarding network adequacy adopted in the 2016 legislative session.

Section IV:
Appendix

The State of Maryland

Executive Department

EXECUTIVE ORDER
01.01.2015.20

Regulatory Reform Commission

WHEREAS, Cultivating more robust economic growth, business development, and job creation requires reforming Maryland's regulatory climate;

WHEREAS, Maryland's business community is a partner in the State's economic success and benefits when it operates under a simple, fair, transparent and accountable regulatory climate;

WHEREAS, Maryland's regulatory process should be built upon a foundation of collaboration and a culture of customer service that focuses on compliance, where agencies work in partnership with their regulated communities; and

WHEREAS, A reformed regulatory climate will serve the State's interest in protecting the health, welfare, and safety of all Marylanders while fostering economic prosperity in Maryland.

NOW THEREFORE, I, LAWRENCE J. HOGAN JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. The establishment of the Regulatory Reform Commission (Commission).

B. Membership.

(1) The Commission shall consist of the following:

(a) The Lieutenant Governor, who shall serve as an ex-officio member; and

(b) Up to twelve public members to be appointed by the Governor with a range of experience in various economic sectors. The public members shall serve at the pleasure of the Governor.

(2) The Commission shall reflect the diversity of the population of the State.

(3) Staff members from the Offices of the Governor and Lieutenant Governor will be regular participants.

(4) Other State agencies and their staffs may be asked to participate at the invitation of the Lieutenant Governor.

C. Duties.

(1) The Commission shall undertake a comprehensive review of Maryland's regulatory climate which will include:

(a) Identifying the areas of Maryland's regulatory climate that pose the greatest barriers and burdens to job attraction, retention, and creation.

(b) Formulating substantive solutions to identified problems that will remove barriers and alleviate burdens to business attraction and retention in the State of Maryland.

(c) Reviewing and analyzing regulations in the following sectors:

(i) Transportation;

(ii) Environment and Land Use;

(iii) Health Care;

(iv) Business Occupations and Licensing;

(v) Banking and Financial Services;

(vi) Capital Formation;

(vii) Insurance;

(viii) Labor and Employment;

(ix) Agriculture;

(x) Tourism; and

(xi) Any other sectors deemed necessary by the Governor.

(2) The Commission shall develop and submit its recommendations for improvement to Maryland's regulatory climate in an annual written report to the Governor, no later than December 1st of each year, with the final report due December 1, 2017.

D. Procedures.

(1) The Lieutenant Governor shall serve as an ex-officio member of the Commission. The Lieutenant Governor shall oversee the implementation of this Executive Order.

(2) There shall be two Co-chairs appointed by the Governor from among the Commission members. The Co-chairs shall:

(a) Develop a strategy to execute the duties of this Executive Order and administer the work of the Commission;

(b) Determine the Commission's agenda; and

(c) Identify additional support as needed.

(3) The Commission shall conduct public meetings in various regions of the State to study the impact of Maryland's regulatory climate on the business community, other relevant stakeholders, and the public.

(4) The Commission shall meet as frequently as necessary to meet the deadlines established by this Executive Order.

(5) A majority of the Commission members shall constitute a quorum for the transaction of any business.

(6) The Commission may adopt other procedures to ensure the orderly transaction of business.

E. All State agencies, departments, boards and commissions within the Executive Branch are authorized and directed to coordinate with the Commission in implementing the provisions of this Executive Order.

F. This Executive Order shall remain effective for a period of three years and, on July 9, 2018, with no further action required by the Governor, this Executive Order shall be abrogated and of no further force and effect.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 9th Day of July, 2015.

Lawrence J. Hogan, Jr.
Governor

ATTEST:

John C. Wobensmith
Secretary of State

Acknowledgements

The Regulatory Reform Commission is grateful to the following individuals who assisted with the commission deliberations and the development of this report.

Marty Baker
Mark Belton, Secretary of Natural Resources
Shannon Bettleyon
Shawn Cain
Rodger Campos
Christopher Carroll
Kate Charbonneau
Christine Conn
Gordon Cooley
Charles Deegan
Gregory Derwart
Heidi Dudderar
Nancy Egan
Kellyan Few
John Fiastro
Maria Fisher
Dayne Freeman
Jeff Fretwell
R. Michael Gill, Secretary of Commerce
Charles Glass
Catherine Grason
Andrew Griffin
Ben Grumbles, Secretary of the Environment
Howard Haft
Sandy Hertz
Courtney Highsmith
Lisa Hoerger
Mike Hopkins
Lisa Larson
Melanie Lubin
Martin Madden
Mariana Marques
Shannon McMahon
Thomas Meighen
Mona Miles
Van T. Mitchell, Secretary of Health and Mental Hygiene
Mike Morello
Andi Morony
Deandre Morrow
Jared Murphy
Mathew Palmer
John Papavasiliou
Wendi Peters, Secretary of Planning
Michele Phinney
Sean Powell, Director of Assessments & Taxation
Rhonda Ray
Al Redmer, Jr., Maryland Insurance Commissioner
Hannah Riley
Stacey Roig
Kelly Schulz, Secretary of Labor, Licensing, and Regulation
Cindy Spirt
Horacio Tablada
Richard A. Tabuteau
Mathew Teffeau
Jeff Tosi
Milena Trust
Mischelle Vanreusel
Brady Walker
Victoria Wilkins
Julie Woepke
Brandon Wright
Ben Wu
Katie Wunderlich