



THE MARYLAND GENERAL ASSEMBLY
ANNAPOLIS, MARYLAND 21401-1991

JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW

Memorandum

To: Members of the AELR Committee
Standing Committee Chairs

From: Georgeanne Carter, AELR Committee Counsel
Kathleen P. Kennedy, AELR Committee Counsel
Kelvin Lucas, AELR Committee Counsel

Date: April 15, 2022

Re: **Synopses of Regulations received from 4/2/2022 through 4/14/2022**

Enclosed please find synopses of regulations received by the Joint Committee on Administrative, Executive, and Legislative Review (AELR) during the weeks noted above.

The Office of Policy Analysis prepares analyses of the regulations to determine if there are any problem areas, to ensure that the regulations comply with statutory authority and legislative intent, and to assess the fiscal impact of the regulations. If any regulation is of particular interest to you, please feel free to contact us at 410-946-5350 and we will supply you with a copy of the regulation along with the legal and fiscal analysis.

/cr

cc: Jake Weissmann
Alexandra M. Hughes

Comptroller of the Treasury

Proposed Regulations

DLS Control No. 22-287

Comptroller of the Treasury:

Miscellaneous Revenue:

Abandoned Property Regulations: COMAR 03.05.01.01 and .02

According to the office, the purpose of this action is to repeal regulations applying only to periods before 2003, and to clarify the effect of automatic deposits and withdrawals on the presumption of abandonment.

Proposed Regulations

DLS Control No. 22-288

Comptroller of the Treasury:

Sales and Use Tax:

Sales and Use Tax: COMAR 03.06.01.01, .03, .04, .07, .09, .11 through .14, and .16

Sales and Use Tax: COMAR 03.06.01.18, .21, .22, .26, .28, .30, .31, .32-2, .33, and .34

Sales and Use Tax: COMAR 03.06.01.35, .38, .39, .41, and .46

According to the office, the purpose of this action is to amend regulations to update outdated language, reflect legislative changes regarding digital products, digital codes, and the definition of detective, and clarify ambiguous regulatory language.

Health Benefit Exchange, Maryland

Proposed Regulations

DLS Control No. 22-282

Independent Agencies:

Maryland Health Benefit Exchange:

Eligibility Standards for Enrollment in a Qualified Health Plan and a Qualified Health Plan with APTC and CSR in the Individual Exchange:

COMAR 14.35.07.11 through .13

Eligibility Standards for Enrollment in a Qualified Health Plan and a Qualified Health Plan with APTC and CSR in the Individual Exchange:

COMAR 14.35.07.18 through .19

According to the exchange, the purpose of this action is to align the annual open enrollment period with 45 CFR §155.410(e), and to clarify certain SEPs and add new SEPs in compliance with 45 CFR §155.420. The proposed action includes SEPs for the Maryland Health Insurance Easy Enrollment Program in accordance with Md. Code, Ins. §31.202 and for pregnancy in accordance with Md. Code, Ins. §15-1316(c)(2); it also brings COMAR into alignment with exchange operations.

Maryland Department of Health

Proposed Regulation

DLS Control No. 22-289

Maryland Department of Health:

Medical Care Programs:

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

COMAR 10.09.90.07

According to the department, the purpose of this action is to update the Level III-Intensive Care Coordination participant eligibility requirements for children younger than six years old in order to align with 1915(i) Intensive Behavioral Services referral requirements.

Higher Education Commission, Maryland

Proposed Regulation

DLS Control No. 22-291

Maryland Higher Education Commission:

Financial Aid:

Teaching Fellows for Maryland Scholarship Program:

COMAR 13B.08.22.01 through .12

According to the commission, the purpose of this action is to set forth the processes and procedures necessary to implement the requirements of Education Article, Title 18, Subtitle 22 of the Annotated Code of Maryland.

Proposed Regulation

DLS Control No. 22-292

Maryland Higher Education Commission:

Financial Aid:

Janet L Hoffman Loan Assistance Repayment Program: COMAR 13B.08.02.02

According to the commission, the purpose of this action is to expand the eligibility criteria for public school teachers to qualify for the Janet L. Hoffman Loan Assistance Repayment Program, pursuant to The Blueprint for Maryland's Future-Implementation Act (2021 Maryland Laws Ch. 36).

Proposed Regulation

DLS Control No. 22-293

Maryland Higher Education Commission:

Financial Aid:

Howard P. Rawlings Educational Excellence Awards: COMAR 13B.08.10.03

According to the commission, the purpose of this action is to expand prequalification eligibility for the Guaranteed Access Program, previously limited to students in grades 7 and 8, to students in grades 9 and 10 and establish prequalification eligibility criteria these students, as set forth in Ch. 578, 2021 Maryland Laws.

Proposed Regulations

DLS Control No. 22-294

Maryland Higher Education Commission:

Academic Regulations:

Academic Programs - Degree-Granting Institutions: COMAR 13B.02.03.02, .06, and .19

General Education and Transfer: Public Institutions of Higher Education: COMAR 13B.06.01.01 through .09

Requirements for Articulation Agreements: COMAR 13B.06.02.01 through .14

Community Colleges: General Regulations and Policies for Community Colleges: COMAR 13B.07.02.01

According to the commission, the purpose of this action is to :(a) Add a transfer evaluation and review process to implement the Transfer with Success Act (Chs. 188 and 189, 2021 Laws of Maryland); (b) Create new statewide standards for the evaluation of course and credit transfer requests by students and clarify existing standards, including distinguishing between the transferability of completed courses and the awarding of credit for transferred courses; (c) Create new requirements regarding public availability of transfer policies and information to create more transparency for students engaging in the transfer process and make course planning and registration more straightforward; (d) Encourage collaboration between institutions and create concrete transfer and articulation requirements for public institutions requesting approval for new academic programs or substantial modifications to existing academic programs;(e) Significantly reorganize the existing regulations regarding student transfer, rewrite existing transfer provisions in a manner that is clear and direct, and add new terms and definitions to enhance readability by students and university staff who need to navigate the complex standards and processes governing student transfer;(f) Make language and organizational clarifications to regulations governing general education for public institutions and add a requirement to identify general education courses on student transcripts to assist with transfer evaluation; and(g) Replace outdated terminology and update various chapter and regulation names, cross references, and definitions to align with the proposed amendments.

Insurance Administration, Maryland

Proposed Regulation

DLS Control No. 22-290

Maryland Insurance Administration:

Insurance Producers and Other Insurance Professionals:

Insurance Producers — Continuing Education Requirements: COMAR 31.03.02.03

According to the administration, the purpose of this action is to amend regulation .03 under COMAR 31.03.02 Insurance Producers - Continuing Education Requirements. Specifically, the proposed changes to the regulation clarify the need for title producers to complete a minimum number of continuing education hours designated by the Commissioner as Title. Presently, Licensees that hold a title producer license may use courses designated under Property & Casualty to meet their continuing education requirements. As the continuing education courses designated for title are necessary to ensure that title producers maintain a minimum level of competence for this line of insurance, we recommend that the proposed change to the regulation is necessary. Moreover, the regulations are presently silent as to the minimum number of continuing education hours that are necessary for title, where a producer holds multiple major lines of authority. The proposed changes to the regulation clarify that individuals holding a title line of authority must satisfy a specific number of hours designated by the Commissioner as Title, in order to renew their license.