

Proposed Action on Regulations

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

Symbol Key

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

Promulgation of Regulations

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

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

Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken.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an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.

Title 08 DEPARTMENT OF NATURAL RESOURCES Subtitle 02 FISHERIES SERVICE

08.02.01 General

Authority: Natural Resources Article, §4-701, Annotated Code of Maryland

Notice of Proposed Action [15-394-P]

The Secretary of Natural Resources proposes to amend Regulation **.05** under **COMAR 08.02.01 General**.

Statement of Purpose

The purpose of this action is to modify the number of commercial fishing license authorization targets. The proposed action makes modifications to the authorization targets to reflect the number of tidal fish license conversions made in the 2014—2015 license year. The law allows the conversion (downgrade) of an unlimited tidal fish license (UTFL) into its individual component authorizations. Downgrading a UTFL decreases the UTFL target and increases the target of each license type that is included in a UTFL (resident fishing guide (FGR), unlimited finfish harvester (FIN), crab harvester 300 pot (CB3), clam harvester (CLM), oyster harvester (OYH), oyster dredge boat (ODB), and conch turtle lobster (CTL)). The number and type of authorizations involved in a downgrade of a UTFL provide the basis for changes to the license authorization target levels.

During the 2014/2015 license renewal period, four individuals downgraded their UTFLs. Applicants could choose which license components of the UTFL they wanted to retain. In summary, the UTFL number is decreased by four and the number for FGR, FIN, CB3, CLM, OYH, ODB, and CTL is increased by four each.

The proposed action shows the target number for each authorization available after all of the additions and subtractions. The targets are correct as of July 1, 2015. The Tidal Fisheries Advisory

Commission was consulted regarding these changes at their July 2015 meeting and did not have any questions or concerns.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Commercial License Targets, Regulatory Staff, Department of Natural Resources Fisheries Service, B-2, 580 Taylor Avenue, Annapolis, MD 21401, or call 410-260-8300, or email to fisheriespubliccomment.dnr@maryland.gov, or fax to 410-260-8310. Comments will be accepted through January 11, 2016. A public hearing has not been scheduled.

.05 Targets for the Number of Tidal Fish License Authorizations and Apprenticeship Permits.

A. The targets for the number of tidal fish license authorizations issued by the Department are the number of authorizations issued between September 1, 1998, and March 31, 1999, including adjustments made annually according to specifications listed in §B of this regulation, listed by the following categories:

Abbreviation	Authorization	Number
FGR	Fishing Guide Resident	[471] 475
FGN — HLI	(text unchanged)	
FIN	Unlimited Finfish Harvester	[253] 257
LCC — LCCM	(text unchanged)	2,598
CB3	Crab Harvester—300 Pots	[252] 256

CB6 — CB9	(text unchanged)	
CLM	Clam Harvester	[21] 25
OYH	Oyster Harvester	[686] 690
ODB	Oyster Dredge Boat	[13] 17
CTL	Conch, Turtles, and Lobster Harvester	[20] 24
TFL	Unlimited Tidal Fish	[2,110] 2106

B. — C. (text unchanged)

MARK J. BELTON
Secretary of Natural Resources

Title 10
DEPARTMENT OF HEALTH
AND MENTAL HYGIENE
Subtitle 09 MEDICAL CARE
PROGRAMS

Notice of Proposed Action
[15-398-P]

The Secretary of Health and Mental Hygiene proposes to:

- (1) Amend Regulations **.01** and **.03** under **COMAR 10.09.06 Hospital Services**;
- (2) Amend Regulation **.01** under **COMAR 10.09.62 Maryland Medicaid Managed Care Program: Definitions**;
- (3) Amend Regulation **.01** under **COMAR 10.09.63 Maryland Medicaid Managed Care Program: Eligibility and Enrollment**;
- (4) Amend Regulation **.02** under **COMAR 10.09.65 Maryland Medicaid Managed Care Program: Managed Care Organizations**; and
- (5) Adopt new Regulation **.09** under **COMAR 10.09.66 Maryland Medicaid Managed Care Program: Access**.

Statement of Purpose

The purpose of this action is to:

- (1) Add the definition of a medically underserved area;
- (2) Require hospitals that are the sole hospital in a county that is medically underserved to contract with any willing MCO;
- (3) Add language to exclude individuals who are 64-1/2 years old or older from being eligible for enrollment in the Managed Care Program;
- (4) Update the authority under which the Patient Centered Medical Home Program operates; and
- (5) Require MCOs whose service area includes medically underserved counties where there is only one hospital to include the hospital in its network.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through January 11, 2016. A public hearing has not been scheduled.

10.09.06 Hospital Services

Authority: Health-General Article, §§2-104(b), 15-102.8, 15-103, and 15-105, Annotated Code of Maryland

.01 Definitions.

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

(1)—(21-1) (text unchanged)
(21-2) “*Medically Underserved Area*” means an area designated by the Health Resources and Services Administration (HRSA) as having shortages of primary care, dental care, or mental health providers.

(22)—(47) (text unchanged)

.03 Conditions for Participation.

- A. (text unchanged)

B. Specific requirements for participation in the Program as a hospital services provider require that the provider:

(1)—(7) (text unchanged)

(8) If an out-of-State or District of Columbia hospital, shall:

(a)—(b) (text unchanged)

(c) Allow all HealthChoice managed care organizations to pay no more than the reimbursement rates established in COMAR 10.09.06.09A(7)(a)—(f); [and]

(9) If a District of Columbia hospital, shall allow all HealthChoice managed care organizations to pay no more and no less than the reimbursement rates in COMAR 10.09.06.15B(3) and COMAR 10.09.06.15-1A(3) unless the parties mutually agree to an alternative arrangement in a contract on or after July 1, 2011[.]; and

(10) *If the sole hospital in a county designated as a medically underserved area, contract with any willing HealthChoice managed care organization.*

- C. (text unchanged)

10.09.62 Maryland Medicaid Managed Care Program: Definitions

Authority: Health-General Article, §15-101, Annotated Code of Maryland

.01 Definitions.

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

(1)—(96) (text unchanged)

(97) “*Local access area*” means the local geographical area, as identified by the zip code groupings in COMAR [10.09.66.06E] 10.09.66.06D, that is located within the relevant MCO’s service area and in which the relevant enrollee resides.

(98)—(115) (text unchanged)

(115-1) “*Medically underserved area*” means an area designated by the Health Resources and Services Administration (HRSA) as having shortages of primary care, dental care, or mental health providers.

(116)—(174) (text unchanged)

(175) “*Systems performance review (SPR)*” means an assessment, as a component of the [annual] quality assurance (QA) audit, of quality assurance operations taking place in the MCO.