

Final Action on Regulations

Symbol Key

- Roman type indicates text already existing at the time of the proposed action.
- *Italic type* indicates new text added at the time of proposed action.
- Single underline, italic indicates new text added at the time of final action.
- Single underline, roman indicates existing text added at the time of final action.
- [[Double brackets]] indicate text deleted at the time of final action.

Title 07

DEPARTMENT OF HUMAN RESOURCES

Subtitle 02 SOCIAL SERVICES ADMINISTRATION

07.02.12 Adoption

Authority: Education Article, §15-106.1; Human Services Article, §4-207; Family Law Article, Title 5, Subtitle 3, Subtitle 3A, Subtitle 3B, Subtitle 4, Subtitle 4A, §§5-101, 5-301—5-414, 5-3A-01—5-3A-07, 5-4A-01—5-4A-07, 5-4B-01—5-4B-12, 5-501, 5-524, 5-525, 5-525.1, 5-525.2 and 5-530; Annotated Code of Maryland; Ch. 444, Acts of 2007; 25 U.S.C. §§1901—1963, 42 U.S.C. §670 et seq.; 45 CFR 1355, 1356.4, and 1356.41

Notice of Final Action

[15-429-F]

On October 17, 2016, the Secretary of Human Resources adopted the repeal of existing Regulations **.01—**.09 and new regulations **.01—**.09 under **COMAR 07.02.12 Adoption**. This action, which was proposed for adoption in 43:2 Md. R. 132—143 (January 22, 2016), has been adopted as proposed.

Effective Date: November 7, 2016.

SAM MALHOTRA
Secretary of Human Resources

Title 08

DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

08.02.23 Shellfish Aquaculture and Leasing

Authority: Natural Resources Article, §§4-11A-02 and 4-11A-12, Annotated Code of Maryland

Notice of Final Action

[16-230-F]

On October 18, 2016, the Secretary of Natural Resources adopted amendments to Regulations **.03** and **.04** under **COMAR 08.02.23 Shellfish Aquaculture and Leasing**. This action, which was proposed for adoption in 43:18 Md. R. 1020—1022 (September 2, 2016), has been adopted as proposed.

Effective Date: November 7, 2016.

MARK J. BELTON
Secretary of Natural Resources

Title 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.28 Applied Behavior Analysis Services

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

Notice of Final Action

[16-189-F]

On October 18, 2016, the Secretary of Health and Mental Hygiene adopted new Regulations **.01—**.10 under a new chapter, **COMAR 10.09.28 Applied Behavior Analysis Services**. This action, which was proposed for adoption in 43:16 Md. R. 911—915 (August 5, 2016), has been adopted with the nonsubstantive changes shown below.

Effective Date: November 7, 2016.

Attorney General's Certification

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

Regulation .01B(2): In response to comments received, language has been added to include licensed psychologists as part of the ABA program. The addition of licensed psychologists to the list of potential ABA providers is within the general scope of the proposed rules and reasonably anticipated in the rule making.

Regulation .01B(5): Language has been added to specify that a Board certified assistant behavior analyst shall be supervised by a licensed psychologist. The new language is the within general scope of the proposed rules and reasonably related to the addition of licensed psychologists as ABA providers.

Regulation .01B(18)(b): In response to comments received, additional language clarifies that the maladaptive behavior includes examples of behaviors such as self-injurious behavior, aggression, tantrums, stereotypies, and rituals.

Regulation .01B(28): In response to comments received, language has been added to define psychologists as providers that can render ABA services. The addition of licensed psychologists to the list of potential ABA providers is within the general scope of the proposed rules and reasonably anticipated in the rule making.

Regulation .01B(29): In response to comments received, pediatricians and nurse practitioners with training and experience to diagnose ASD have been included as qualified health care professionals. The addition of pediatricians and nurse practitioners with training and experience in diagnosing ASD is within the general scope of the proposed rules and reasonably anticipated in the rule making.

Regulation .01B(30): Language has been added to specify that a Registered behavior technician shall be supervised by a licensed