

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Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken.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an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.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

08.02.05 Fish

Authority: Natural Resources Article, §§4-215 and 4-2A-03, Annotated Code of Maryland

Notice of Proposed Action

[24-030-P]

The Secretary of Natural Resources proposes to amend Regulation .10 under **COMAR 08.02.05 Fish**.

Statement of Purpose

The purpose of this action is to take the recreational rules for bluefish out of regulation and to establish the season, size, and catch limit on an annual basis by public notice. There are currently rules established in regulation that may be modified by public notice. This leads to potential confusion because the rule in the public notice does not match the rule in the regulation. While the public notice effectively overrules the regulation, it may still not be fully clear to affected individuals.

The Department would also modify the public notice authority to no longer require publication in a newspaper. All of the Department's public notices are posted on the Fishing Public Notice webpage and emailed to the Department's email listserv. Most notices are also posted on the Department's social media pages. The Department believes these methods are more effective in reaching affected parties than the legal section of newspapers.

This change is necessary because the Department has modified the bluefish catch limit by public notice since 2020 and anticipates further changes in the future. In 2019, the Atlantic States Marine Fisheries Commission and the Mid-Atlantic Fisheries Management Council determined that the stock was overfished, although overfishing was not occurring. Recreational catch limits were reduced in 2020 as part of a

coastwide stock rebuilding plan. Recent data indicates that bluefish are no longer overfished but the rebuilding plan will remain in effect until the stock is rebuilt to target levels. By removing the rules from regulation and annually establishing the recreational catch limit, size limit, and season in a public notice, the Department hopes to minimize the potential for confusion in the regulated community.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action will have a minor economic impact.

II. Types of Economic Impact.

Impacted Entity	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency: Department of Natural Resources	(E-)	\$240
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups: Newspapers	(-)	\$240
F. Direct and indirect effects on public:	NONE	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A and E. The Department will no longer publish these notices in the newspaper. The cost to publish the 2024 notice in the newspaper was \$240. The Department has not had to issue more than one notice per year for the last 4 years, so this is the expected annual savings.

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 Bluefish — Recreational Rules Regulations, Regulatory Staff, Department of Natural Resources, 580 Taylor Avenue, E-4, Annapolis, MD 21401, or call 410-260-8300, or submit comments at <https://dnr.maryland.gov/fisheries/pages/regulations/changes.aspx#bluefish>. Comments will be accepted through May 20, 2024. A public hearing has not been scheduled.

.10 Bluefish.

A. *Commercial Minimum Size.* A person *licensed to catch finfish for sale* may not catch or possess bluefish less than 8 inches in total length.

[B. *Recreational Catch Limit.* Except for a person licensed to catch finfish for sale, a person may not catch or possess more than ten bluefish per day.]

[C.] B. (text unchanged)

C. *The recreational season, size limit, and catch limit shall be established and may be modified through a public notice issued in accordance with §D of this regulation.*

D. General. [The Secretary:]

(1) [May] *The Secretary may establish or modify catch limits, size limits, or [open or close a season] seasons in State waters by publishing notice [in a daily newspaper of general circulation:] on the Department’s website.*

(2) *The public notice shall state its effective hour and date and shall be published on the Department’s website at least 48 hours in advance[, stating] of the effective hour and date[; and].*

[(2)] (3) [Shall] *The Secretary shall make a reasonable effort to disseminate the public notice through various other media so that an affected person has reasonable opportunity to be informed.*

JOSH KURTZ
Secretary of Natural Resources

Title 10

MARYLAND DEPARTMENT OF HEALTH

Subtitle 24 MARYLAND HEALTH CARE COMMISSION

10.24.01 Procedural Regulations for Health Care Facilities and Services

Authority: Health-General Article, §§19-109(a)(1) and (8), 19-116(b), 19-118(d), 19-120, 19-120.1, and 19-126, et seq., Annotated Code of Maryland

Notice of Proposed Action

[24-023-P]

The Maryland Health Care Commission proposes to amend Regulation .12 under **COMAR 10.24.01 Procedural Regulations for Health Care Facilities and Services**. This action was considered at an open meeting held on February 22, 2024, notice of which was given in accordance with General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to enable the Commission to impose financial penalties for violations of the procedural regulations governing Certificates of Need (CON) and other Commission approvals. Under the current regulations, the Commission’s only means of enforcement is to withdraw its approval, which could have the effect of closing a health care facility or service and jeopardizing the public’s access to health care. The proposed regulations authorize the Commission to impose financial penalties for noncompliance, which enables the Commission to enforce its regulations without harm to the public.

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 Alexa Bertinelli, Assistant Attorney General, Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, MD 21215, or call 410-764-3326, or email to alexa.bertinelli@maryland.gov or mhcc.confilings@maryland.gov. Comments will be accepted through May 20, 2024. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland Health Care Commission during a public meeting to be held on June 20, 2024, at 1 p.m., at 4160 Patterson Avenue, Baltimore, MD 21215. This meeting will be hybrid. Please register to attend virtually at mhcc.maryland.gov.

.12 Holder Responsibilities and [Withdrawal of a Certificate of Need or Other Commission Approval] Penalties for Noncompliance.

A.—D. (text unchanged)

E. [Grounds for Withdrawal of Commission Approval.] *Enforcement.* The Commission may impose financial penalties, withdraw a CON or other Commission approval, or both, if it finds that:

(1) The holder made a material misrepresentation upon which the Commission relied in approving the application or issuing first use approval;

(2)—(4) (text unchanged)

(5) The holder failed to timely provide the semiannual progress report required under §B of this regulation; [or]

(6) The project differs materially from that approved by the Commission[,], including failure to timely seek approval of a project change in accordance with Regulation .17 of this chapter; or

(7) *The holder failed to obtain approval under Regulation .18 of this chapter prior to first use of any portion of a facility or service developed under a CON or other Commission approval.*

F. Financial Penalties.

(1) *Financial penalties imposed in accordance with this regulation may not exceed:*

(a) \$100 per day for each day the violation continues for failure to timely provide a semiannual progress report; or

(b) 1 percent of the approved budget for any other violation.

(2) *The Commission shall consider the following factors in determining the amount of any financial penalty:*

(a) *The willfulness of the improper conduct;*