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General Notices

Pursuant to State Government Article, §7-205, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before May 12, 2014, 5 p.m.

Pursuant to State Government Article, §7-205, Annotated Code of Maryland, I hereby certify that this issue contains all documents required to be codified as of May 12, 2014.

Brian Morris
Acting Administrator, Division of State Documents
Office of the Secretary of State
(3) Shall be determined by the applicant's attending physician, registered nurse, or certified nurse practitioner to have a severe chronic or permanent physical disability that:
   (a) [precludes] Precludes or impairs the independent performance of essential activities of daily living, instrumental activities of daily living, self-care, or mobility as determined by the standard assessment of functional capability form, and
   (b) is subject to eligibility review at a frequency determined by the Department, if the condition is likely to improve.

(4) May not have an annual adjusted gross income greater than [§$3,522] $119,999.00;

(5)—(6) (text unchanged)

(7) Shall agree to abide by the Program requirements by signing an attendant care agreement form at the time of initial enrollment and at the request of the Program Director or the Program.

B. The Program Director, or designee, shall [conduct] initiate an annual review of [each participant's eligibility/financial eligibility for each participant at least once every 12 months from completion of the last review, or more frequently if needed].

C. (text unchanged)

.04 Limitations on Service and Participation in the Program.
A. B. (text unchanged)

C. The Program Director shall seek to achieve the demographic in §8 absent a limited or situational waiver from the Secretary.

D. Notwithstanding the above, an applicant found ineligible or improperly enrolled in the Program shall be required to observe a waiting period prior to reapplication of not less than:

   (1) 1 year for reason of disability or financial eligibility; or
   (2) 3 years upon a finding of fraud or misuse of program funds.

E. Applicants to the Program shall be encouraged to complete an application for medical assistance and utilize personal care services under the following programs, if applicable:

   (1) Medical Assistance Personal Care Program;
   (2) Community First Choice Program; or
   (3) a Home and Community Based Waiver.

.09 Participant's Responsibilities.
A. A participant shall:
   (1)—(6) (text unchanged)

   (7) Comply with the attendant care agreement requirements, and provide a signed copy to the Department [at least once every 12 months] at the initial eligibility determination and at the request of the Department at any time thereafter.

B. —C. (text unchanged)

.13 Financial Assistance.
A. B. (text unchanged)

C. A participant eligible in the category set forth in Regulation .04B(1) of this chapter shall pay a minimum of 5 percent of the cost of attendant care services, unless the Program Director determines that the minimum copayment causes the participant financial hardship and issues a written waiver of the copayment.

D. A participant eligible in the category set forth in Regulation .04B(2) of this chapter shall pay a minimum of 10 percent of the cost of attendant care services, unless the Program Director determines that the minimum copayment causes the participant financial hardship and issues a written waiver of the copayment.

GEORGE P. FAILLA
Acting Secretary of Disabilities

Title 22
STATE RETIREMENT AND PENSION SYSTEM

Subtitle 04 MEMBERSHIP

22.04.02 Membership in the Employees' System or the Teachers' System — General


Notice of Proposed Action
[14-32-P]

The Board of Trustees for the Maryland State Retirement and Pension System proposes to amend Regulations .02 and .04 under COMAR 22.04.02 Membership in the Employees' System or the Teachers' System — General. This action was considered at the December 17, 2013, Board of Trustees meeting for the State Retirement and Pension System.

Statement of Purpose

The purpose of this action is to define "contractual", "emergency", and "temporary extra" employees for purposes of enrollment in the State Retirement and Pension System. Providing definitions for these different groups of employees will assist the State Retirement Agency in determining whether the employees of participating employers are being enrolled properly in the System.

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 Anne E. Gavathrop, Director, Legislative Affairs, State Retirement Agency, 120 E. Baltimore Street, Baltimore, MD 21202, or call 410-625-5602, or email to agavathrop@sra.state.md.us, or fax to 410-468-1710. Comments will be accepted through June 30, 2014. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Board of Trustees for the State Retirement and Pension System during a public meeting to be held on June 17, 2014, at 9:30 a.m., at 120 E. Baltimore St., 16th Floor Board Room, Baltimore, MD 21202.

.02 Optional Membership.
A. Membership in the Teachers' Pension System is optional for an individual who is appointed as a lecturer in the Overseas Division of University College.

B. An election to participate in the Teachers' Pension System by an individual described in §A of this regulation shall be made within 90 days of commencement of employment and is a one-time irrevocable election.
.04 Membership in the Employees’ Pension System.

A. Definitions.

(1) In this regulation, the following terms have the meanings indicated.

(2) Terms Defined.

(a) “Contractual employee” means an individual who provides personal services to a participating employer for pay if all of the following conditions exist:

(i) The services and pay are specified in a current written personal services agreement between the employer and an individual;

(ii) There is an employer-employee relationship between the participating employer and the individual; and

(iii) Except as provided by law, the individual does not receive any fringe benefits.

(b) “Emergency employee” means an individual who:

(i) is appointed by a participating employer to provide personal services on an emergency basis;

(ii) is employed for a nonrenewable period not to exceed 6 months; and

(iii) Except as provided by law, does not receive any fringe benefits.

(c) “Temporary extra employee” means an individual who:

(i) Provides personal services to a participating employer;

(ii) is employed for a nonrenewable period not to exceed 6 months; and

(iii) Except as provided by law, does not receive any fringe benefits.

[A.] B. The following individuals shall be excluded from membership in the Employees’ Pension System:

(1) Subject to §305 of this regulation, a contractual, emergency or temporary extra employee of a participating employer

[(1)] (2) — [2] (3) (text unchanged)

[(3)] (4) School crossing guards who:

(a) Are employed by a participating governmental unit:

(i) (text unchanged)

(ii) For less than [700] 500 hours; and

(b) [Do] Except as provided by law, do not receive any fringe benefits from the participating governmental unit.

[B. An individual employed under State Personnel and Pensions Article, §4-306, Annotated Code of Maryland, as a temporary pending employee shall become a member of the Employees’ Pension System as a condition of employment.]

C. The fact that a participating employer permitted an individual to enroll in the Employees’ Pension System shall not be relevant to the determination of whether the individual is a contractual, emergency, or temporary extra employee who is excluded from membership.

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Title 26
DEPARTMENT OF THE ENVIRONMENT
Subtitle 12 RADIATION MANAGEMENT

26.12.03 State Radiation Control Fund

Authority: Environment Article, §§8-301(b)(1)(iiii), 8-301(c), 8-304(c), and 8-306, Annotated Code of Maryland

Notice of Proposed Action
[14-131.P]

The Secretary of the Environment proposes to amend Regulations .01 — .04 under COMAR 26.12.03 State Radiation Control Fund.

Statement of Purpose

The purpose of this action is to cap any Consumer Price Index annual increase for certain categories of radioactive material license fees to no greater than that published by the Department of Labor, rounded to the nearest higher one dollar. Additionally, for one radioactive material license fee category, this action will decrease the amount of the annual fee.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. These regulations will benefit a small number of radioactive material licensees who will no longer be subject to an annual fee adjustment based on a change in the Consumer Price Index rounded to the nearest hundred-dollar increment. For licensees with a 2011 base annual fee of $1,000 or less, beginning the effective date of this regulation the annual fee adjustment based on a change in the Consumer Price Index will be rounded to the nearest higher one dollar increment. This will result in a collective savings to these licensees of approximately $4,156 in the first year if the Cost of Living increases by 2.5%.

These regulations will also reduce the cost of a radioactive material license for portable lead paint analyzers to a revised base fee of $750. This will result in savings for all such licensees totaling approximately $31,200 in the first year.

Revenues to the Department will be reduced by approximately $35,536.

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<th>Revenues (R)</th>
<th>Expenditure (E)</th>
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<tbody>
<tr>
<td>A. On issuing agency:</td>
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<td>B. On other State agencies:</td>
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<td>C. On local governments:</td>
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<td>D. On regulated industries or trade groups:</td>
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R. DEAN KENDERDINE
Executive Director
State Retirement Agency

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