



STATE OF MARYLAND

DHMH

Office of Health Services
Medical Care Programs

PT 1-07

Maryland Department of Health and Mental Hygiene
201 W. Preston Street • Baltimore, Maryland 21201

Robert L. Ehrlich, Jr., Governor – Michael S. Steele, Lt. Governor – S. Anthony McCann, Secretary


MARYLAND MEDICAL ASSISTANCE PROGRAM

Model Waiver Program Transmittal No. 24

EPSDT: Private Duty Nursing Services Transmittal No. 11

Home Health Transmittal No. 44

July 10, 2006

- TO:** Model Waiver Nursing Providers
EPSDT Private Duty Nursing Providers
Home Health Agencies
- FROM:** Mark A. Leeds, Director 
Long Term Care and Community Support Services
- NOTE:** Please ensure that the appropriate staff members in your organization are informed of the contents of this transmittal.
- RE:** Amendments to COMAR 10.09.27 Home Care for Disabled Children Under a Model Waiver.

The Maryland Medical Assistance Program has adopted amendments with non-substantive changes to Regulations .01, .03, .04, and .06 under COMAR 10.09.27 Home Care for Disabled Children Under a Model Waiver, effective July 1, 2006.

The amendments add new and clarify existing definitions; detail provider participation criteria; detail covered services; update the fee schedule to reflect HIPAA compliant calculation for units of service, increase reimbursement for certified nursing assistant and home health aide services and establish a methodology for determining fees for certified nursing assistant/home health aide services in future fiscal years. The regulatory changes assure that the Model Waiver regulations conform to the requirements stated in existing Early and Periodic Screening, Diagnosis, and Treatment: Private Duty Nursing (COMAR 10.09.53) and Rare and Expensive Case Management (COMAR 10.09.69) regulations. The new regulations and a copy of the non-substantive change as we requested them to be published in the Maryland Register are attached.

Attachments

Subtitle 23 BOARD FOR PROFESSIONAL ENGINEERS

09.23.04 Fees

Authority: Business Regulation Article, §§2-106.1 and 2-106.2; Business Occupations and Professions Article, §§14-208 and 14-209, Annotated Code of Maryland

Notice of Proposed Action
[06-093-P]

The Board for Professional Engineers proposes to amend Regulation .03 under **COMAR 09.23.04 Fees**. This action was considered by the Board for Professional Engineers at a public meeting held on January 12, 2006, notice of which was given by publication in 32:26 Md. R. 2112 (December 23, 2005), pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to change the exam fee for the Fundamentals of Engineering and the Principles and Practice of Engineering exams to reflect the \$5 price increase of the exam booklet. The exam fees as listed in the regulation include the cost of the exam booklet, along with the cost for exam scoring. Therefore, the increase will be reflected by changing the exam fee from \$50 to \$55 for the Fundamentals exam. For the Principles and Practice exam, the fee must be increased by \$10, from \$125 to \$135, to correct an error when the regulations were amended in the past. The Board also proposes to delete the term "nonrefundable" in §E of this regulation as being inconsistent with other sections of the regulation.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The exam fee will increase by \$5 for the Fundamentals exam and by \$10 for the Principles and Practice exam beginning with the October 2006 exam administration. The increased exam fees are collected by the Department but passed through to the National Council of Examiners for Engineering and Surveying.

II. Types of Economic Impact.

	Revenue (R+/R-)	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(R+)		\$5 or \$10 per candidate
B. On other State agencies:	NONE		
C. On local governments:	NONE		
	Benefit (+)	Cost (-)	Magnitude
D. On regulated industries or trade groups:	(-)		\$5 or \$10 per candidate
E. On other industries or trade groups:	NONE		
F. Direct and indirect effects on public:	NONE		

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

A. and D. The cost of the examination will increase by \$5 to \$10, depending on which exam the examinee is taking.

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 Pamela J. Edwards, Assistant Executive Director, Board for Professional Engineers, 500 N. Calvert Street, Room 308, Baltimore, Maryland 21202, or fax to (410) 333-0021, or call (410) 230-6263, or email pe@dllr.state.md.us. Comments will be accepted through May 30, 2006.

Open Meeting

Final action on the proposed amendments will be considered by the Board for Professional Engineers during a public meeting to be held on July 13, 2006, 500 N. Calvert Street, 3rd Floor Conference Room, Baltimore, Maryland 21202, pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

.03 Fees and Costs.

- A. (text unchanged)
- B. An applicant for the appropriate licensing examination shall pay the following examination fees directly to the Board or its designee, as these fees are established by the National Council of Examiners of Engineers and Surveyors:
 - (1) Fundamentals of Engineering — [\$50;] \$55;
 - (2) Principles and Practice — [\$125;] \$135.
- C. — D. (text unchanged)
- E. An applicant for the appropriate licensing examination shall pay to the Board or its designee a [nonrefundable] testing service fee of \$60 in connection with the testing services.

EUGENE C. HARVEY
Chairman
Board for Professional Engineers

**Title 10
DEPARTMENT OF
HEALTH AND MENTAL HYGIENE**

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.27 Home Care for Disabled Children Under a Model Waiver

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

Notice of Proposed Action
[06-089-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .01, .03, .04, and .06 under **COMAR 10.09.27 Home Care for Disabled Children Under a Model Waiver**.

Statement of Purpose

The purpose of this action is to add new definitions and clarify existing definitions, detail provider participation cri-

teria, detail covered services, update payment information for the Model Waiver program's shift private duty nursing, increase reimbursement for certified nursing assistant and home health aide services, and establish a methodology for determining fees for certified nursing assistant and home health aide services in future fiscal years. These regulatory changes are proposed to assure that the Model Waiver regulations conform to the requirements in COMAR 10.09.53 Early and Periodic Screening, Diagnosis, and Treatment; Private Duty Nursing and COMAR 10.09.69 Rate and Expensive Case Management.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The Department proposes to increase the rate of reimbursement for certified nursing assistants and home health aide services from \$11.20 per hour to \$13.60 per hour. This increase is warranted as the current reimbursement rates were originally established in 1991. Providers enrolled to render these services have experienced increased expenses since the initial rate was established.

II. Types of Economic Impact	Revenue (R+/R-)	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(E+)		\$218,287
B. On other State agencies:	NONE		
C. On local governments:	NONE		
	Benefit (+)	Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)		\$218,287
E. On other industries or trade groups:	NONE		
F. Direct and indirect effects on public:	NONE		

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

A. It is estimated that approximately 89,170 hours of care will be authorized in fiscal year 2007 with 68 percent of the authorized hours actually being rendered for a cost of \$679,123 (60,636 hours × \$11.20). It is anticipated that the percentage of authorized hours actually rendered will increase to 74 percent as a result of the rate increase. A projected cost of \$897,410 (65,986 hours × \$13.60) under the provisions of the proposed amendment will result in an additional program expenditure of \$218,287 during fiscal year 2007.

D. The providers of certified nursing assistant and home health aide services will receive additional revenue in the form of an increased hourly rate to provide services to individuals in the community. It is anticipated that the provider will be able to increase the percentage of services that are actually rendered resulting in an overall increase in utilization from 68 percent to 74 percent of authorized hours. Provider revenue will, therefore, increase from \$679,123 (60,636 hours × \$11.20) to \$897,410 (65,986 hours × \$13.60) for a net increase of \$218,287.

Economic Impact on Small Businesses

The proposed action has a meaningful economic impact on small businesses. An analysis of this economic impact follows.

The increased rate of reimbursement will enable small business providers to deliver a greater percentage of authorized services to Medicaid recipients, and assist in defraying provider expenses which have increased within the past 15 years. An increased reimbursement rate will also enable the provider to recruit more certified nursing assistants and

home health aides to render the authorized services to Medicaid clients living in the community rather than an institution.

Impact on Individuals with Disabilities

The proposed action has an impact in individuals with disabilities as follows:

The proposed action will have a positive effect on individuals with disabilities. Clients served under this chapter are medically fragile individuals who receive community-based services instead of institutionalization. The proposed increase in reimbursement will increase access and availability of services authorized for this population.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Regulations Coordinator, Department of Health and Mental Hygiene, Room 521, 201 West Preston Street, Baltimore, Maryland 21201, or fax to (410) 333-7687, or email to regs@dhmh.state.md.us, or call (410) 767-6499 or 1-877-4MD-DHMH extension 6499. Comments must be received by May 30, 2006.

.01 Definitions.

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

(1) "Certified nursing assistant" means an individual who:

- (a) Is certified by the Maryland Board of Nursing; and
- (b) Performs nursing tasks delegated by a registered nurse or licensed practical nurse pursuant to Health Occupations Article, Title 8, Annotated Code of Maryland.

[(1)] (2) — [(6)] (7) (text unchanged)

(8) "Home health agency" means an agency licensed by the Department in accordance with COMAR 10.07.10.

[(7)] (9) "Home health aide" means [a nonlicensed person] an individual who meets [the requirements of COMAR 10.07.10.01H, and who meets all the conditions of participation specified for home health aides by the Medicare program at] all the conditions of participation specified in:

- (a) 42 CFR §484.36[.]; and
- (b) Health Occupations Article, Title 8, Annotated Code of Maryland.

[(8)] (10) — [(14)] (16) (text unchanged)

(17) "Nursing care plan" means a plan developed by a registered nurse that identifies:

- (a) The patient's diagnoses and needs;
- (b) The goals to be achieved; and
- (c) The interventions required to meet the patient's medical condition.

[(15)] (18) — [(18)] (21) (text unchanged)

[(19)] (22) "Progress note" means a dated written notation by a home care provider which:

- (a) — (c) (text unchanged)
- (d) Is written [immediately following each visit] and signed during the course of care; and
- (e) (text unchanged)

[(20)] (23) — [(22)] (25) (text unchanged)

(26) "Residential service agency" means an agency licensed by the Department in accordance with COMAR 10.07.05.

[(23)] (27) — [(24)] (28) (text unchanged)

[(25)] (29) "Supervision" means [initial direction and periodic reinspection of the actual activity]:

(a) *Authoritative procedural guidance by a licensed registered nurse for the accomplishment of a function or activity; and*

(b) *The process of critical watching, directing, and evaluating an individual's performance.*

[(26)] (30) (text unchanged)

(31) *"Witness" means the recipient or an individual who, on behalf of the recipient, is able to personally verify that the recipient received private duty nursing services, home health aide services, or certified nursing assistant services.*

3 Conditions for Participation.

A. (text unchanged)

B. Specific requirements for participation in the Program as a provider of home care services are as follows:

(1) (text unchanged)

[(2) Nursing providers shall:

(a) Provide or supervise the provision of nursing services as specified in Regulation .04 of this chapter;

(b) Demonstrate the capacity to provide or arrange for the provision of nursing services to participants in the amount and level required in the participant's plan of care including the establishment of a contingency plan to assure nursing coverage as specified in the plan of care;

(c) Assure that nurses delivering the in-home or in-school services specified in Regulation .04 of this chapter:

(i) Be certified in cardiopulmonary resuscitation (CPR), and

(ii) Demonstrate sufficient specialized training and experience in the care of disabled infants and children necessary to deliver the level of service required by participants;

(d) Demonstrate on a continuing basis the ability to competently carry out nursing services specified in the plan of care subject to review by the home care case management agency; and

(e) Participate in the multidisciplinary team process.]

(2) *Shift private duty nursing, certified nursing assistant, and home health aide providers shall:*

(a) *Meet all conditions for participation set forth in:*

(i) *COMAR 10.09.53.03; or*

(ii) *COMAR 10.09.69;*

(b) *Participate in interdisciplinary team meetings;*

(c) *In conjunction with the model waiver case manager, develop a goal-directed written nursing care plan that is based on an evaluation conducted during the initial assessment, unless the Department determines a more frequent medical review to determine or reexamine treatment goals is appropriate, in the following manner:*

(i) *A review or evaluation of the nursing care plan 30 days after the initial assessment; and*

(ii) *A review and update of the nursing care plan every 90 days;*

(d) *Ensure timesheets are signed by the individual rendering services;*

(e) *Ensure a nurse, a certified nursing assistant, or a home health aide is not scheduled to work for more than 16 consecutive hours and the individual is off 8 or more hours before starting another shift unless otherwise authorized by the Department;*

(f) *Obtain the participant's signature or the signature of the participant's witness on the provider's official forms to verify receipt of service; and*

(g) *Either be a:*

(i) *Residential service agency licensed in accordance with COMAR 10.07.05; or*

(ii) *Home health agency licensed in accordance with COMAR 10.07.10 which meets the conditions of participation specified in 42 CFR §484.36;*

(h) *Demonstrate the capacity to arrange for the provision of home health aide services in the amount and level required in the participant's plan of care including the establishment of a contingency plan to assure coverage as specified in the plan of care;*

(i) *Demonstrate sufficient specialized training and experience in the care of individuals with disabilities necessary to deliver the level of services required by participants; and*

(j) *Demonstrate, on a continuing basis, the ability to competently carry out services in the plan of care subject to review by the home care case manager or the home care case manager's designee.*

(3) (text unchanged)

[(4) The home care home health aide provider shall:

(a) Be an agency which meets all of the conditions of participation required by the Medicare program specified at 42 CFR §484.36;

(b) Demonstrate the capacity to arrange for the provision of home health aide services in the amount and level required in the participants' plan of care including the establishment of a contingency plan to assure home health aide coverage as specified in the plan of care;

(c) Assure that home health aides delivering the in-home services specified in Regulation .04 of this chapter:

(i) Are certified in cardiopulmonary resuscitation (CPR), and

(ii) Demonstrate sufficient specialized training and experience in the care of individuals with disabilities necessary to deliver the level of service required by participants;

(d) Demonstrate, on a continuing basis, the ability to competently carry out home health aide services in the plan of care subject to review by the home care case manager or the home care case manager's designee;

(e) Limit a home health aide's shift to not more than 12 consecutive hours and assure that home health aides have 12 hours off before starting another shift;

(f) Participate in the multidisciplinary team process; and

(g) Maintain sufficient documentation to demonstrate that the requirements of this subsection are met.]

.04 Covered Services.

A. The Program reimburses for home care services which include the following:

[(1) Continuous or intermittent nursing services prescribed for a participant by the participant's principal physician which are:

(a) Delivered in the participant's home or in school if the participant would be receiving this care in-home otherwise, and

(b) Rendered by a nurse as defined in Regulation .01B(11) of this chapter;]

(1) *Shift nursing services provided by a licensed registered nurse or a licensed practical nurse if:*

(a) *The complexity of the service or the condition of a participant requires the judgment, knowledge, and skills of a licensed nurse for a shift of 4 or more continuous hours;*

(b) *The services are delivered to the participant in the participant's home or other setting when normal life activities take the participant outside the home;*

(c) Services are provided to a model waiver participant who is 21 years old or older;

(d) Services are rendered in accordance with COMAR 10.09.53;

(e) Services are rendered in accordance with Health Occupations Article, Title 8, Annotated Code of Maryland;

(f) Sufficient documentation concerning the services provided is maintained by the registered nurse or licensed practical nurse, including:

(i) Verification of the participant's receipt of services as documented by the participant's signature or the signature of the participant's witness on the provider's official forms; and

(ii) Signed and dated progress notes which are reviewed monthly by the nurse supervisor;

(g) The nurse is not scheduled to work for more than 16 consecutive hours and is off 8 or more hours before starting another shift;

(h) Services are rendered by a licensed registered or practical nurse certified in cardiopulmonary resuscitation and the certification is renewed every 2 years;

(i) Services are preauthorized in accordance with the criteria set forth in COMAR 10.09.53.06; and

(j) Supervisory visits are conducted at least monthly in the participant's home or another site where the participant is receiving nursing services with a minimum of two visits per year with the primary nurse present;

(2) — (4) (text unchanged)

(5) Home health aide services which include:

(a) The performance of simple procedures as an extension of therapy services[.];

[(b) Personal care as defined by COMAR 10.09.20,]

[(c)] (b) Ambulation and exercises[.];

[(d)] (c) Household services essential to health care at home[.];

[(e)] (d) Assistance with medications that are ordinarily self-administered[; and];

[(f) Completing appropriate records.] (e) Assistance with activities of daily living when performed in conjunction with other delegated nursing services;

(f) Other health care services properly delegated by a licensed nurse pursuant to Health Occupations Article, Title 8, Annotated Code of Maryland, if:

(i) The complexity of the service or the condition of a participant requires the judgment, knowledge, and skills of a home health aide for a shift of 4 or more continuous hours;

(ii) Services are provided by an unlicensed individual who meets all the conditions of participation specified by the Medicare program in 42 CFR §484.36 and Health Occupations Article, Title 8, Annotated Code of Maryland;

(iii) Services are rendered by a home health aide certified in cardiopulmonary resuscitation and the certification is renewed every 2 years;

(iv) The home health aide is not scheduled to work for more than 16 consecutive hours and has 8 hours or more off before starting another shift;

(v) Sufficient documentation is maintained by the home health aide including verification of the participant's receipt of services as documented by the participant's signature or the signature of the participant's witness on the provider's official forms; and signed and dated progress notes which are reviewed every 2 weeks by the nurse supervisor;

(vi) Supervisory visits are conducted every 2 weeks and documented by a registered nurse with a minimum of two visits with the primary aide present;

(vii) The services are included in the model waiver participant's plan of care developed by the case manager; and

(viii) Services are preauthorized by the Department;

(6) Certified nursing assistant services if:

(a) The certified nursing assistant is certified by the Maryland Board of Nursing and meets all the requirements to render services pursuant to Health Occupations Article, Title 8, Annotated Code of Maryland;

(b) The complexity of the service or the condition of a participant requires the judgment, knowledge, and skills of a certified nursing assistant for a shift of 4 or more continuous hours;

(c) The services provided include but are not limited to:

(i) Assistance with activities of daily living when performed in conjunction with other delegated nursing services; or

(ii) Other health care services properly delegated by a licensed nurse pursuant to Health Occupations Article, Title 8, Annotated Code of Maryland;

(d) Services are rendered by a certified nursing assistant certified in cardiopulmonary resuscitation and the certification is renewed every 2 years;

(e) The certified nursing assistant is not scheduled to work for more than 16 consecutive hours and has 8 hours or more off before starting another shift;

(f) Sufficient documentation concerning the services provided is maintained by the certified nursing assistant including:

(i) Verification of the participant's receipt of services as documented by the participant's signature or the signature of the participant's witness on the provider's official forms; and

(ii) Signed and dated progress notes which are reviewed every 2 weeks by the nurse supervisor;

(g) Supervisory visits are conducted every 2 weeks and documented by a registered nurse with a minimum of two visits with the primary aide present;

(h) The services are included in the model waiver participant's plan of care developed by the case manager; and

(i) Services are preauthorized by the Department.

B. (text unchanged)

.06 Payment Procedures.

A. Request for Payment.

(1) — (6) (text unchanged)

(7) Home health aide and certified nursing assistant providers shall bill the Program their usual and customary charge to the general public.

B. (text unchanged)

C. Payments.

(1) — (2) (text unchanged)

(3) Payments for nursing services shall be made:

(a) [Made only] Only to qualified providers of home care nursing services as specified in these regulations; and

(b) [Made according] According to the [following] fee schedule for [home care] nursing services [regardless of place of delivery:

Description	Maximum Fee
(i) One hour of nursing services provided to one participant by an individual nurse enrolled as a home care provider	\$18,

Description	Maximum Fee
(ii) One hour of nursing services provided to two or more participants in the same residence by an individual nurse enrolled as a home care provider	\$27,
(iii) One half hour of nursing services provided to one participant by an individual nurse enrolled as a home care provider	\$9,
(iv) One half hour of nursing services provided to two or more participants in the same residence by an individual nurse enrolled as a home care provider	\$13.50,
(v) One hour of nursing services provided to one participant by a nursing agency enrolled as a home care provider	\$23.40,
(vi) One hour of nursing services provided to two or more participants in the same residence by a nursing agency enrolled as a home care provider	\$32.40,
(vii) One half hour of nursing services provided to one participant by a nursing agency enrolled as a home care provider	\$11.70,
(viii) One half hour of nursing services provided to two or more participants in the same residence by a nursing agency enrolled as a home care provider	\$16.20;
(c) The lower of] provided under COMAR 10.09.53, or the provider's customary charge to the general public [or the Department's fee schedule], whichever is lower.	
(4) — (5) (text unchanged)	
(6) Payments for home health aide and certified nursing assistant services shall be:	
(a) Made only to qualified providers of home health aide and certified nursing assistant services as specified in these regulations;	
(b) Made, effective July 1, 2006, according to the following fee schedule for home care home health aide and certified nursing assistant services regardless of place of delivery:	

Description	Maximum Fee
(i) [One hour] 15 minutes of home health aide or certified nursing assistant services provided to one participant	[\$11.20,] \$3.40;
(ii) [One hour] 15 minutes of home health aide or certified nursing assistant services provided to each of two or more participants in the same residence	[\$15.50,] \$2.36;
[(iii) One half hour of home health aide services provided to one participant	\$5.60,
(iv) One half hour of home health aide services provided to two or more participants in the same residence. . .	\$7.75;]
(c) (text unchanged)	

(7) Effective July 1, 2007, the fee schedule rates in §C(6)(b) of this regulation shall be adjusted annually by adjusting the fee by the percentage of the annual increase or decrease in the March Consumer Price Index for All Urban Consumers, medical care component, Washington-Baltimore, from the U.S. Department of Labor, Bureau of Labor Statistics.

D. (text unchanged)

S. ANTHONY McCANN
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.53 Early and Periodic Screening, Diagnosis, and Treatment: Private Duty Nursing

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

Notice of Proposed Action

[06-090-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .07 under COMAR 10.09.53 Early and Periodic Screening, Diagnosis, and Treatment: Private Duty Nursing.

Statement of Purpose

The purpose of this action is to update the payment information to reflect Health Insurance Portability and Accountability Act (HIPAA) compliant calculation for units of service, to increase reimbursement, and to establish a methodology for determining fees for private duty nursing in future fiscal years.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The Department proposes to increase the rate of reimbursement for private duty nursing services from \$28.20 per hour to \$31 per hour beginning July 1, 2006. Providers enrolled to render these services have experienced increased expenses since the last rate increase provided in 2000. The Department covers private duty nursing services under this chapter to individuals who are assessed at a nursing facility level of care. The services are provided to these individuals to support them in the community in lieu of institutionalization.

II. Types of Economic Impact	Revenue (R+R-) Expenditure (E+E-)	Magnitude
A. On issuing agency:	(E+)	\$8,644,715
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
Shift Private Duty Nursing	(+)	\$8,644,715
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

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

Subtitle 03 WILDLIFE**08.03.06 Furbearer Wildlife**

Authority: Natural Resources Article, §§1-403, 10-205 and 10-301.1,
Annotated Code of Maryland

Notice of Final Action

[06-044-F]

On June 27, 2006, the Secretary of Natural Resources adopted new Regulations .06 and .07 under COMAR 08.03.06 Furbearer Wildlife. This action, which was proposed for adoption in 33:2 Md. R. 90 — 92 (January 20, 2006), has been adopted as proposed.

Effective Date: July 17, 2006.

C. RONALD FRANKS
Secretary of Natural Resources

Subtitle 03 WILDLIFE**08.03.07 Waterfowl**

Authority: Natural Resources Article, §§10-205, 10-408, and 10-601.1,
Annotated Code of Maryland

Notice of Final Action

[06-112-F]

On June 27, 2006, the Secretary of Natural Resources adopted amendments to Regulations .02 and .06 under COMAR 08.03.07 Waterfowl. This action, which was proposed for adoption in 33:10 Md. R. 893 — 894 (May 12, 2006), has been adopted as proposed.

Effective Date: July 17, 2006.

C. RONALD FRANKS
Secretary of Natural Resources

**Title 09
DEPARTMENT OF
LABOR, LICENSING,
AND REGULATION**

**Subtitle 12 DIVISION OF
LABOR AND INDUSTRY****09.12.20 Occupational Safety and Health**

Authority: Labor and Employment Article, §§2-106(b)(4), 5-212, 5-213,
5-312, and 5-702,
Annotated Code of Maryland

Notice of Final Action

[06-114-F]

On June 27, 2006, the Commissioner of Labor and Industry adopted amendments to Regulation .05 under COMAR 09.12.20 Occupational Safety and Health. This action,

which was proposed for adoption in 33:10 Md. R. 894 — 895 (May 12, 2006), has been adopted as proposed.

Effective Date: July 17, 2006.

ROBERT L. LAWSON
Commissioner of Labor and Industry

**Subtitle 12 DIVISION OF
LABOR AND INDUSTRY****09.12.31 Maryland Occupational Safety and
Health Act****Incorporation by Reference of Federal
Standards**

Authority: Labor and Employment Article, §§2-106(b)(4) and 5-312(b),
Annotated Code of Maryland

Notice of Final Action

[06-113-F]

On June 27, 2006, the Commissioner of Labor and Industry adopted through incorporation by reference under COMAR 09.12.31 Maryland Occupational Safety and Health Act — Incorporation by Reference of Federal Standards, the revisions relating to Updating OSHA Standards Based On National Consensus Standards; General, Incorporation by Reference; Hazardous Materials, Flammable and Combustible Liquids; General Environmental Controls, Temporary Labor Camps; Hand and Portable Powered Tools and Other Hand-Held Equipment, Guarding of Portable Powered Tools; Welding, Cutting and Brazing, Arc Welding and Cutting; Special Industries, Sawmills. This action, which was proposed for adoption in 33:10 Md. R. 895 (May 12, 2006), has been adopted as proposed.

Effective Date: July 17, 2006.

ROBERT L. LAWSON
Commissioner of Labor and Industry

**Title 10
DEPARTMENT OF
HEALTH AND MENTAL HYGIENE**

Subtitle 09 MEDICAL CARE PROGRAMS**10.09.27 Home Care for Disabled Children Under a Model Waiver**

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

Notice of Final Action

[06-089-F]

On June 14, 2006, the Secretary of Health and Mental Hygiene adopted amendments to Regulations .01, .03, .04, and .06 under COMAR 10.09.27 Home Care For Disabled Children Under a Model Waiver. This action, which was proposed for adoption in 33:9 Md. R. 802 — 806 (April 28, 2006), has been adopted with the nonsubstantive changes below.

Effective Date: July 17, 2006.

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 .03B(2)(c): The original proposed language is erroneous and should not have been proposed. The development of the plan of care for model waiver recipients is not developed as described. Rather, it is developed during a multidisciplinary team meeting and the language pertaining to this process is contained in another section of the chapter. Correction of this error will eliminate the unintended inconsistency between the existing chapter and the proposed amendments.

.03 Conditions for Participation.

A. (proposed text unchanged)

B. Specific requirements for participation in the Program as a provider of home care services are as follows:

(1) (proposed text unchanged)

(2) *Shift private duty nursing, certified nursing assistant, and home health aide providers shall:*

(a) — (b) (proposed text unchanged)

[[c) In conjunction with the model waiver case manager, develop a goal-directed written nursing care plan that is based on an evaluation conducted during the initial assessment, unless the Department determines a more frequent medical review to determine or reexamine treatment goals is appropriate, in the following manner:

(i) A review or evaluation of the nursing care plan 30 days after the initial assessment; and

(ii) A review and update of the nursing care plan every 90 days;]]

[[d)] (c) — [(j)] (i) (proposed text unchanged)

(3) (proposed text unchanged)

S. ANTHONY McCANN
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS**10.09.54 Home/Community Based Services Waiver for Older Adults**

Authority: Health-General Article, §§2-104(b), 15-103, 15-105, and 15-132, Annotated Code of Maryland

Notice of Final Action

[06-086-F]

On June 16, 2006, the Secretary of Health and Mental Hygiene adopted amendments to Regulations .05 and .33 under **COMAR 10.09.54 Home/Community Based Services Waiver for Older Adults**. This action, which was proposed for adoption in 33:9 Md. R. 807 — 808 (April 28, 2006), has been adopted as proposed.

Effective Date: July 17, 2006

S. ANTHONY McCANN
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS**10.09.55 Living at Home Waiver**

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

Notice of Final Action

[06-091-F]

On June 16, 2006, the Secretary of Health and Mental Hygiene adopted amendments to Regulation .29 under **COMAR 10.09.55 Living at Home Waiver**. This action, which was proposed for adoption in 33:9 Md. R. 808 — 809 (April 28, 2006), has been adopted as proposed.

Effective Date: July 17, 2006.

S. ANTHONY McCANN
Secretary of Health and Mental Hygiene

Subtitle 44 BOARD OF DENTAL EXAMINERS**Notice of Final Action**

[06-088-F]

On June 22, 2006, the Secretary of Health and Mental Hygiene:

(1) Adopted amendments to Regulation .02 under **COMAR 10.44.20 Fees**; and

(2) Adopted amendments to Regulation .02, recodified Regulations .08, .09, .10, and .11 to be Regulations .10, .11, .12, and .13, and adopted new Regulations .08 and .09 under **COMAR 10.44.22 Continuing Education**.

This action, which was proposed for adoption in 33:9 Md. R. 810 — 811 (April 28, 2006), has been adopted as proposed.

Effective Date: July 17, 2006.

S. ANTHONY McCANN
Secretary of Health and Mental Hygiene

Title 11 DEPARTMENT OF TRANSPORTATION

Subtitle 04 STATE HIGHWAY ADMINISTRATION**11.04.10 Specific Information or Business Signs**

Authority: Transportation Article, §§4-205(d), 4-405, 8-204(b), and 8-605, Annotated Code of Maryland

Notice of Final Action

[06-062-F]

On May 16, 2006, the Administrator of the State Highway Administration adopted amendments to Regulation .05 under **COMAR 11.04.10 Specific Information or Business**