(2) Is without services for 30 consecutive days;
(3) Voluntarily chooses to disenroll from the Program; or
(4) Moves to another state.
E. A participant shall notify the Department within 10 working days of changes that may affect eligibility.

.04 Application Process.
A. The application review process shall be based on a first-come, first-served basis.
B. The application process may include:
   (1) Review of medical records; and
   (2) A nursing evaluation.
C. The Department shall give the applicant written notice of the decision to approve or deny Program services.

.05 Covered Services.
A. The Program may cover private duty nursing services:
   (1) Not covered by Medical Assistance, another insurer, or any other State or federal program; and
   (2) Medically necessary as determined by a nursing evaluation conducted by the Department.
B. A participant’s eligibility for services covered under the Program shall be reevaluated by the Department every 12 months or more frequently:
   (1) If needed due to a change in the participant’s clinical status; or
   (2) If one or more of the conditions in Regulation .03D of this chapter are met.
C. The Department shall provide the participant written notice of the reevaluation decision.
D. The services provided under the Program may not supplant or augment services covered under Medical Assistance.

.06 Conditions for Provider Participation.
A. A provider of services under the Program:
   (1) Shall be approved and enrolled as a provider in the Medical Assistance Program;
   (2) Shall comply with all State and federal laws and regulations that are applicable to the services the provider is licensed by the Department to provide; and
   (3) Shall ensure compliance with all the Medical Assistance provisions under COMAR 10.09.53.03.
B. An immediate family member of the participant or an individual who ordinarily resides with the participant may not render services under this Program.

.07 Limitations.
The Department shall limit enrollment and services provided based on available State funding.

.08 Payment Procedures.
The Program shall reimburse a Program provider:
A. Based on rates established in COMAR 10.09.53.07; and
B. Contingent on submission of documentation required by the Department.

.09 Cause for Provider Suspension or Removal and Imposition of Sanctions.
Cause for suspension or removal and imposition of sanctions are as set forth under Medical Assistance regulations under COMAR 10.09.36.08.

.10 Appeal Procedures.
A. An applicant for Program services, or a participant in Program services, individually or by an authorized representative, may request a hearing before the Secretary to appeal the denial, reduction, or termination of Program services in accordance with State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.
B. The procedures set forth in COMAR 10.01.03 shall apply to all hearings requested under §A of this regulation.
C. An appeal shall be postmarked, delivered in person, or sent by electronic mail or facsimile to the Department within 30 days after the applicant or participant receives notice of the Department’s decision to deny the application for Program services, or reduce or terminate Program services.
D. Notice of the Department’s decision is presumed to have been received 3 days after the date of the notice.
E. The Secretary may deny a request for hearing if the reason for the appeal is to contest a denial of services due to lack of available budgeted funds.
F. The applicant has the burden of proof by a preponderance of the evidence in an appeal under this regulation.
G. If the recipient files the hearing request on or before the effective date of termination or reduction in services, then services will continue pending the issuance of a final agency decision.
H. The decision of the Secretary is the final administrative decision for purposes of judicial review pursuant to State Government Article, §10-222, Annotated Code of Maryland.

ROBERT R. NEALL
Secretary of Health

Title 13A
STATE BOARD OF EDUCATION

Subtitle 07 SCHOOL PERSONNEL

13A.07.13 State Board of Education Teacher Member Election

Authority: Education Article, §2-202, Annotated Code of Maryland

Notice of Proposed Action
[19-232-P]

The Maryland State Board of Education proposes to adopt new Regulations .01—.07 under a new chapter, COMAR 13A.07.13 State Board of Education Teacher Member Election. This action was considered by the State Board of Education at their meeting held on August 27, 2019.

Statement of Purpose
The purpose of this action is to establish the process for holding an election to select the teacher member of the State Board of Education.

Comparison to Federal Standards
There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact
I. Summary of Economic Impact. The Maryland State Department of Education (MSDE) anticipates expending approximately $30,000 to secure a contract with a vendor to offer an online election. This funding was not allocated by the General Assembly. The MSDE anticipates the funding to come from the General Funds allocated for the State Board of Education.
II. Types of Economic Impact.

<table>
<thead>
<tr>
<th></th>
<th>Revenue (R+/R-)</th>
<th>Expenditure (E+/E-)</th>
<th>Magnitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. On issuing agency:</td>
<td></td>
<td>$(E+)$</td>
<td>$30,000</td>
</tr>
<tr>
<td>B. On other State agencies:</td>
<td>NONE</td>
<td></td>
<td>NONE</td>
</tr>
<tr>
<td>C. On local governments:</td>
<td>NONE</td>
<td></td>
<td>NONE</td>
</tr>
</tbody>
</table>

D. On regulated industries or trade groups: NONE
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. The MSDE anticipates expending approximately $30,000 to secure a contract with a vendor to offer an online election.

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 Sarah Spross, M.Ed., Assistant State Superintendent, Division of Educator Certification and Program Approval, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-0385 (TTY 410-333-6442), or email to sarah.spross@maryland.gov, or fax to 410-333-8963. Comments will be accepted through February 3, 2020. A public hearing has not been scheduled.

Open Meeting
Final action on the proposal will be considered by the State Board of Education during a public meeting to be held on February 25, 2020, at 9 a.m., at 200 West Baltimore Street, Baltimore, MD 21201.

JULIANNE A. OBERG
Deputy Secretary of Agriculture

KAREN B. SALMON, Ph.D.
State Superintendent of Schools

Editor’s Note: The text of this document will not be printed here because it appeared as a Notice of Emergency Action in 46:23 Md. R. 1062—1064 (November 8, 2019), referenced as [19-232-E].

Title 15
MARYLAND DEPARTMENT OF AGRICULTURE
Subtitle 06 PLANT PEST CONTROL
15.06.04 Regulation of Invasive Plants
Authority: Agriculture Article, §§2-103(b) and 9.5-301, Annotated Code of Maryland

Notice of Proposed Action
[20-005-P]
The Maryland Department of Agriculture proposes to amend Regulation 06 under COMAR 15.06.04 Regulation of Invasive Plants.

Statement of Purpose
The purpose of this action is to add two new plants to the Tier 2 invasive plant classification, and otherwise relating to invasive plants.

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 Kim Rice, Program Manager, Plant Protection and Weed Management, Maryland Department of Agriculture, 50 Harry S. Truman Parkway, Annapolis, MD 21401, or call 410-841-5920, or email to kimberly.rice@maryland.gov, or fax to 410-841-5835. Comments will be accepted through February 3, 2020. A public hearing has not been scheduled.

.06 Tier 1 and Tier 2 Invasive Plants.
A.—B. (text unchanged)
C. The following plants are classified as Tier 2 invasive plants upon adoption of this regulation (see Department’s website for adoption date http://mda.maryland.gov/plants-pests/Pages/maryland invasive plants prevention and control.aspx):
(1)—(9) (text unchanged)
(10) Pyrus calleryana (Callery pear); [and]
(11) Tetradium daniellii (bee bee tree); [;
(12) Aralia elata (Japanese angelica-tree); and
(13) Berberis thunbergii (Japanese barberry).
D.—G. (text unchanged)