

MARYLAND HIGHER EDUCATION COMMISSION

MEETING BOOKLET

Time: 1:00 PM
March 22, 2017

Place: Maryland Higher Education Commission
7th Floor Board Room
6 N. Liberty Street
Baltimore, MD 21201

Maryland Higher Education Commission

Anwer Hasan, Chairman

Sandra L. Jimenez, Vice-Chair

Vivian S. Boyd

John Holaday

Vera R. Jackson

Russell V. Kelley

Peri J. Kelsey, Student Commissioner

Ian MacFarlane

Donna M. Mitchell

Joel Packer

Rizwan A. Siddiqi

John W. Yaeger

James D. Fielder, Jr., Ph.D.
Secretary

Lawrence J. Hogan, Jr.
Governor

Boyd K. Rutherford
Lt. Governor



MHEC
Creating a state of achievement

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Anwer Hasan
Chairperson

James D. Fielder, Jr., Ph. D.
Secretary

Maryland Higher Education Commission Meeting Agenda

TIME: 1:00 p.m.-4:00 p.m.
Wednesday
March 22, 2017

PLACE: Maryland Higher Education Commission
6 N. Liberty Street, 7th FL BR
Baltimore, MD 21201

	Page	Action Item
Call to Order		
Commission Minutes Approval	1	*
• February 13, 2017		
Chairman’s and Secretary’s Remarks		
Faculty Advisory Council		
Student Advisory Council		
Commissioner Committee Updates		
Department of Finance and Administration- Christine Wellons		
• Final Adoption on Regulations		
○ Fee Waivers for Victims of Human Trafficking under COMAR 13B.07.02.07	7	*
Department of Academic Affairs- Emily Dow		
• Final Adoption on Regulations		
○ Religious Institutions under COMAR 13B.02.04.02.....	9	*
○ Transfer and Reverse Transfer of Credit under COMAR 13B.06.01.02, .02-1, .04--.08	11	*
Office of Student Financial Assistance- Donna Thomas		
• Proposed Publication on Regulations		
○ Maryland Dent-Care Loan Assistance Repayment Program under COMAR 13B.08.09; Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants under COMAR 13B.08.16; and the Workforce Shortage Student Assistance Grant Program under COMAR 13B.08.14	17	*
• Final Adoption on Regulations		
○ Edward T. and Mary A. Conroy Memoria Scholarship Program and Jean B. Cryor Memorial Scholarship under COMAR 13B.08.13.....	37	*
Adjournment		

Maryland Higher Education Commission

Regular Session
Meeting Minutes

February 13, 2017
1:00 p.m.

The Maryland Higher Education Commission (MHEC) met on Monday, February 13, 2017 at 6 N. Liberty Street, 7th Floor Board Room, Baltimore, MD 21201.

Commission members present:

Anwer Hasan, Chairman	Sandra L. Jimenez, Vice Chairperson
Vivian S. Boyd, Ph.D	Joseph DeMattos, Jr.
John W. Holaday, Ph.D. (Arrived 1:25)	Russell V. Kelley, Ph.D.
Peri Kelsey	Ian D. MacFarlane
Donna M. Mitchell	Joel C. Packer
John W. Yaeger, Ed.D	

Commission members not present:

Rizwan A. Siddiqi	

Staff members present:

James D. Fielder, Jr. Ph.D.	Dr. Emily Dow
Christine Wellons	Dr. Jon Enriquez
Donna Thomas	Monica Wheatley
Alan Gallegos	Glenda Abney
Ashley Wallace	Vanessa Bennett

Call to Order

The meeting was called to order by **Chairman Hasan** at approximately 1:09 p.m. A meeting quorum was established with eleven out of twelve members present.

Approval of Minutes – Action Item

There was a motion by **Commissioner Packer** and a second by **Chairman Hasan** for approval of the December 14, 2016 meeting minutes. The motion was approved unanimously.

Chairman’s Remarks

Chairman Hasan reported the commission committee meetings are going well and there have been positive outcomes. **Chairman Hasan** recognized Ms. Favour Nerrise-Njunkeng the 2016 Regina Lightfoot Award recipient. Ms. Nerrise-Njunkeng shared a summary of her service projects. **Chairman Hasan** congratulated Ms. Nerrise-Njunkeng on her achievements.

Secretary's Remarks

Secretary Fielder reported the agency received an award for the highest participation in the 2016 charity campaign. **Secretary Fielder** commended the efforts of the agency in achieving 100% participation in the campaign. **Secretary Fielder** reported the legislature is one third of the way through the legislative session and MHEC has received positive remarks during hearings. **Secretary Fielder** further reported the agency has filled twelve (12) position in the last seven (7) months and plans to fill four (4) more in the next ninety (90) days.

Faculty Advisory Council – Information Item

Chairman Hasan recognized Dr. Emily Dow. Dr. Dow reported the Faculty Advisory Council committees are progressing. Dr. Dow distributed to the Commission a survey for review related to online vs onsite learning. The survey includes ten (10) open ended questions. Dr. Dow further reported the council intends to circulate questions to institutions to provide information for final report to commission. Dr Dow requested Commissioner's email feedback on questions.

Academic Affairs Update - Information Item

Chairman Hasan recognized Dr. Emily Dow. Dr. Dow introduced three new staff members, Glenda Abney, Vanessa Bennett, and Ashley Wallace.

Student Advisory Council- Information Item

Chairman Hasan recognized Ms. Monica Wheatley. Ms. Wheatley reported the next SAC meeting is scheduled for Saturday at Washington College. Ms. Wheatley further reported there would be more information to report at the March meeting.

Office of the Secretary – Commission Committee Updates –Information Item

Chairman Hasan requested brief updates from the commission committees. Committee members provided brief updates.

Outreach, Grants, and Financial Assistance: Commissioner Packer reported the Outreach, Grants, and Financial Assistance Committee has had five meetings. These meeting included detailed presentations on the twenty-three (23) student financial aid programs MHEC administers, various MHEC grant programs, and outreach efforts. **Commissioner Packer** further reported the group has established three goals including: developing a mobile application, developing a train the trainor program to expand outreach efforts, and increasing the percentage of students completing FAFSA.

Finance and Operations Committee: Commissioner MacFarlane reported the group has not met since last session. **Commissioner MacFarlane** further reported much of the

group's work has focused on the internal/operational side of MHEC. **Commissioner MacFarlane** further reported the group has established three goals including: agency staffing, developing guidelines to standardize annual reporting budget reviews, and assisting staff with state audit findings.

Program Review Committee: Commissioner DeMattos identified the three goals established by the Committee. The three goals include: MHEC serving as a catalyst to systemwide internships opportunities, establishing opportunities for innovation/partnerships between institutions, and evaluating curriculum/program reviews.

Department of Academic Affairs – Final Adoption on Regulations – Modification of Fully Online Institutions Registration Procedures under COMAR 13B.05.01.06 – Action Item

Chairman Hasan recognized Christine M.H. Wellons. Ms. Wellons reported that the Commission already approved the publication of the proposed regulations. Ms. Wellons further reported there were no public comments received. The proposed regulations eliminate the requirement that institutions enrolling Maryland residents online provide annual data on enrollments to the Commission for analytical purposes, including transmission to the Maryland Longitudinal Data System Center. Ms. Wellons further reported this change is recommended because the commission and Maryland Longitudinal Data System Center currently do not report on this data.

Commissioner Yaeger motioned that the Commission approves for final adoption and publication in the Maryland Register the attached regulations regarding modification of fully online institutions registration procedures, and authorizes MHEC's attorneys to approve non-substantive revisions as necessary to conform the proposed regulations to the stylistic and formatting requirements of AELR and of the Division of State Documents. **Commissioner DeMattos** seconded the motion. The motion was approved unanimously.

Department of Academic Affairs – Final Adoption on Regulations – Advertising under COMAR 13B.01.01.03 and .15 – Action Item

Chairman Hasan recognized Christine M.H. Wellons. Ms. Wellons reported that the Commission already approved the publication of the proposed regulations. Ms. Wellons further reported there were no public comments received. The proposed regulation would clarify that certain entities – other than private career schools or institutions of higher education – generally may not advertise themselves as “school[s], conservator[ies], academ[ies], or institute[s]. Ms. Wellons further reported the amendment would help assure that non-MHEC-approved entities do not engage in advertising that misleads the public or inaccurately connotes licensure by MHEC.

Commissioner DeMattos motioned that the Commission approves for final adoption and publication in the Maryland Register the attached regulations regarding advertising, and authorizes MHEC's attorneys to approve non-substantive revisions as necessary to conform the proposed regulations to the stylistic and formatting requirements of AELR and of the Division of State Documents. **Commissioner Packer** seconded the motion. The motion was approved unanimously.

Department of Academic Affairs – Final Adoption on Regulations – Accreditation under COMAR 13B.02.02.08 and 13B.05.01.05 – Action Item

Chairman Hasan recognized Christine M.H. Wellons. Ms. Wellons reported that the Commission already approved the publication of the proposed regulations. Ms. Wellons further reported there were no public comments received. The proposed regulations would clarify and establish a process for institutions that lose accreditation due to the accrediting agency's recognition being terminated by the United States Department of Education. Ms. Wellons further reported the amendments would help assure that institutions have a process for potentially continued approval while seeking new accreditation from a recognized accrediting agency.

Commissioner Yaeger motioned that the Commission approves for final adoption and publication in the Maryland Register the attached regulations regarding accreditation, and authorizes MHEC's attorneys to approve non-substantive revisions as necessary to conform the proposed regulations to the stylistic and formatting requirements of AELR and of the Division of State Documents. **Commissioner MacFarlane** seconded the motion. The motion was approved unanimously.

Department of Academic Affairs – SARA Report – Information Item

Chairman Hasan recognized Monica Wheatley. Ms. Wheatley provided the Commission a report on the impact of SARA on the students and institutions of higher education in Maryland.

Department of Academic Affairs – Collegiate Quarterly Report – Information Item

Chairman Hasan recognized Monica Wheatley. Ms. Wheatley provided an overview of the Secretary's actions concerning degree programs, certificate programs, area of concentration, out-of-state institutions, proposals withdrawn, programs denied, proposals discontinued/suspended, and partnerships.

Department of Academic Affairs – PCS Quarterly Report – Information Item

Chairman Hasan recognized Alan Gallegos. Mr. Gallegos provided an overview of the Secretary's actions concerning approval of new schools, new programs reviewed and approved, approval of changes of location, approval of name change, approval of change of ownership, approval of separate classrooms, other business, certificate renewals, other approvals, cease and desist orders, notices of deficiencies, program approval withdrawn, and school approval withdrawn.

Office of Student Financial Assistance – Proposed Adoption on Regulations- Janet L. Hoffman Loan Assistance Repayment Program under COMAR 13B.08.02; Charles W. Riley Firefighter and Ambulance Rescue Squad Member Scholarship Program under COMAR 13B.08.03; Senatorial Scholarship Program under COMAR 13B.08.04; and the Delegate Scholarship Program under COMAR 13B.08.05 – Action Item

Chairman Hasan recognized Donna Thomas. Ms. Thomas reported that the proposed regulations regarding the Janet L. Hoffman Loan Assistance Repayment Program; Charles W. Riley Firefighter & Ambulance Rescue Squad Member Scholarship Program; Senatorial Scholarship Program; and the Delegate Scholarship Program is part of the

Office of Student Financial Assistance (OSFA) ongoing process to convert all program guidelines into regulations.

Commissioner MacFarlane motioned that the Commission approve for publication and public comment the attached proposed regulations for the Janet L. Hoffman Loan Assistance Repayment Program; Charles W. Riley Firefighter & Ambulance Rescue Squad Member Scholarship Program; Senatorial Scholarship Program; and the Delegate Scholarship Program, and authorizes MHEC's attorneys to approve non-substantive revisions as necessary to conform the proposed regulations to the stylistic and formatting requirements of AELR and of the Division of State Documents. **Commissioner DeMattos** seconded the motion. The motion was approved unanimously.

Office of Research and Policy Analysis – Performance Accountability Report – Action Item

Chairman Hasan recognized Dr. Jon Enriquez. Dr. Enriquez introduced Dr. Barbara Schmertz. Dr. Schmertz provided the commission an overview and analysis of Maryland's colleges and universities efforts to enact the State Plan for Higher Education, *Maryland Ready*. This report is part of the State's accountability process for Maryland public colleges and universities.

Commissioner MacFarlane motioned that the Maryland Higher Education Commission approve the 2016 Performance Accountability Report and ask the Secretary to forward it to the Governor and the General Assembly as required by law. **Commissioner DeMattos** seconded the motion. The motion was approved unanimously.

Office of Research and Policy Analysis – Student Learning Outcomes Assessment Report – Information Item

Chairman Hasan recognized Dr. Jon Enriquez. Dr. Enriquez introduced Dr. Barbara Schmertz. Dr. Schmertz provided the Commission a report on Maryland public colleges and universities student learning outcomes assessment.

Department of Academic Affairs – State Plan Update – Information Item

Chairman Hasan recognized Dr. Emily Dow. Dr. Dow provided the Commission an update on the State Plan. Dr. Dow reported the three writing groups have all met either in person or via conference call. Dr. Dow reported there is a full group meeting planned for March where each group will report on progress of their writing groups. Dr Dow further reported the content from the writing groups is due by May 1st and a final draft of the State Plan is due to the General Assembly by July 1st.

Adjournment

The meeting adjourned at approximately 3:14 p.m.



Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Anwer Hasan
Chairperson

James D. Fielder, Jr., Ph.D.
Secretary

MEMORANDUM

DATE: March 22, 2017

TO: Maryland Higher Education Commissioners

FROM: Geoffrey Newman, J.D., M.B.A., Assistant Secretary
Christine M.H. Wellons, Assistant Attorney General

SUBJECT: Final Adoption of Regulations Regarding Community College Fee Waivers for Victims of Human Trafficking

The purpose of this memorandum is to request the Commission's final adoption of the attached proposed regulations to implement Chapter 341 of the 2015 Laws (Section 16-310(b)(5) of the Education Article). Consistent with Chapter 341, the regulations would permit boards of community colleges to exempt certain victims of human trafficking from paying out-of-county fees to the colleges.

The regulations would allow a community college to adopt a written policy that would exempt certain human trafficking victims from paying normally applicable out-of-county fees. To qualify for the waiver, an applicant (or person working on behalf of the applicant) would be required to provide documentation from law enforcement, an assistance program, or other professional indicating that the applicant is a victim of human trafficking. The college's written policy also would be required to provide for the protection of applicants' confidential information.

In addition, the regulations would provide that if a college admits individuals under the waiver program, then it must report annually to MHEC regarding the number of waivers granted.

The proposed regulations initially were approved by the Commission in September 2016. They were published for comment in the Maryland Register on November 14, 2016. No public comments have been received.

RECOMMENDATION: It is recommended that the Commission approves for final adoption the attached regulations regarding the waiver of community college fees for victims of human trafficking, and authorizes MHEC's attorneys to approve non-substantive revisions as necessary to conform the proposed regulations to the stylistic and formatting requirements of AELR and of the Division of State Documents.

.07 Fee Waivers for Victims of Human Trafficking

A. In this regulation, “victim of human trafficking” means an individual who has been recruited, harbored, transported, provided, or obtained for labor, services, or a sexual act through the use of force, fraud, or coercion.

B. A board of trustees of a college may, subject to a written policy adopted by the board of trustees, waive the out-of-county fee or out-of-region fee, as determined in Education Article, §16-310(b)(1), Annotated Code, for a student who attends the college and:

(1) Is not a resident of the county; and

(2) Is a victim of human trafficking.

C. A board of trustees that grants waivers under this regulation shall ensure that:

(1) Information collected or maintained by the college related to an individual’s application for a waiver, or related to an individual’s status as a victim of human trafficking, remains confidential and is subject to disclosure only upon the applicant’s written consent;

(2) An application for a waiver of the out-of-county or out-of-region fee contains evidence that the applicant is a victim of human trafficking, including:

(a) Certified law enforcement, court, or other federal or State agency records or files;

(b) Documentation from a human trafficking prevention or assistance program; or

(c) Documentation from a religious, medical, or other professional from whom the applicant has sought assistance or treatment as a victim of human trafficking; and

(3) The college provides the applicant with the option of having any directory information about the applicant, including but not limited to the applicant’s name, address, photograph, email address, and phone number, remain confidential and subject to disclosure only upon the applicant’s written consent.

D. A college that admits an individual who qualifies for a waiver of the out-of-county fee or out-of-region fee under this regulation shall:

(1) Keep a record of the number of individuals for whom a waiver was granted; and

(2) Report to the Commission annually on the number of individuals for whom a waiver was granted.



Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Anwer Hasan
Chairperson

James D. Fielder, Jr., Ph. D.
Secretary

MEMORANDUM

DATE: March 22, 2017

TO: Maryland Higher Education Commissioners

FROM: Emily A. A. Dow, Assistant Secretary for Academic Affairs

SUBJECT: Proposed Final Adoption of Regulation Regarding Religious Institutions;
13B.02.04.02

The purpose of this memorandum is to request your final adoption of the attached proposed regulation 13B.02.04.02 in the Code of Maryland Regulations (COMAR), which was published for comment in the Maryland Register on January 20, 2017. No comments were received regarding the proposed regulation, and the regulation is now ready for final adoption.

The regulation would implement statutory changes passed in 2016 changing the criteria that a religious educational institution must meet to obtain an exemption from the requirement to obtain a certificate of approval (COA) from the Commission. Currently, the regulations provide that a religious educational institution may not be exempt from the COA requirement if it offers any instruction in “nonsectarian or general education.” The amendments would no longer restrict religious institutions from offering general education coursework. Religious institutions often offer limited general education in the way of coursework related to accounting, public speaking, writing, etc. Additionally, consistent with § 11-202.1, the amendments would not consider religious institutions exempt if they have accreditation from an accrediting body recognized by the United States Department of Education.

RECOMMENDATION: It is recommended that the Commission grants final approval to the attached regulation 13B.02.04.02 regarding Religious Institutions.

Title 13B
MARYLAND HIGHER
EDUCATION COMMISSION

Subtitle 02 ACADEMIC
REGULATIONS

13B.02.04 Exemption Procedures for Religious Educational Institutions

Authority: Education Article, §§11-105(u) and 11-202.1(b), Annotated Code of Maryland

Notice of Proposed Action
[17-006-P]

The Maryland Higher Education Commission proposes to amend Regulation .02 under COMAR 13B.02.04 Exemption Procedures for Religious Educational Institutions. This action was considered at a public meeting of the Maryland Higher Education Commission held on November 16, 2016.

Statement of Purpose

The purpose of this action is to amend regulations to comply with Ch. 162, Acts of 2016, and to clarify that religious educational institutions accredited by an accrediting body recognized by the United States Department of Education may not operate without approval from the Commission.

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 Christine M.H. Wellons, Assistant Attorney General, Maryland Education Commission, 6 N. Liberty Street, Baltimore, MD 21201, or call 410-737-3313, or email to christine.wellons@maryland.gov. Comments will be accepted through February 21, 2017. A public hearing has not been scheduled.

.02 Scope of Exemption.

A. An institution of postsecondary education may obtain an exemption as a religious educational institution and operate without a certificate of approval from the Commission if the institution:

- (1) — (2) (text unchanged)
- (3) Offers only sectarian instruction designed for and aimed at individuals who hold or seek to learn the particular religious faiths or beliefs taught by the institution; and
- (4) [Does not offer instruction in nonsectarian or general education; and
- (5)] States on the certificate or diploma the religious nature of the award.

B. (text unchanged)

C. *A religious educational institution that is accredited by an accrediting body recognized by the United States Department of Education may not operate without a certificate of approval from the Commission.*

JAMES D. FIELDER, JR., Ph.D.
Secretary of Higher Education

Title 15
DEPARTMENT OF
AGRICULTURE

Subtitle 18 STATE CHEMIST

15.18.09 Pet Food and Specialty Pet Food

Authority: Agriculture Article, §6-101 et seq., Annotated Code of Maryland

Notice of Proposed Action
[17-008-P-I]

The Secretary of Agriculture proposes to adopt new Regulations .01—.15 under a new chapter, COMAR 15.18.09 Pet Food and Specialty Pet Food.

Statement of Purpose

The purpose of this action is to establish regulatory requirements for pet food and specialty food. This action establishes labeling requirements, dietary requirements, nutrient profiles, and other requirements that are necessary for the consumer to make educated decisions when purchasing pet food or specialty pet food. This regulation also establishes labeling standards for raw milk being sold as pet food, which is a growing market in the State.

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 Tom Phillips, State Chemist, Maryland Department of Agriculture, 50 Harry S. Truman Parkway, Annapolis, Maryland 21401, or call (410) 841-2721, or email to tom.phillips@maryland.gov, or fax to (410) 841-2740. Comments will be accepted through February 21, 2017. A public hearing has not been scheduled.

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the Association of American Feed Control Officials (AAFCO) 2016 Official Publication, Dog and Cat Nutrient Profiles, pp 150—175, Pet Food Product Families, p. 191, and Dog and Cat Feeding Protocols, pp. 176—190 has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 44:1 Md. R. 9 (January 6, 2017), and is available online at www.dsd.state.md.us. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.01 Scope and Purpose.

This chapter establishes the requirements for registering pet food and specialty pet food prior to distribution in Maryland.



Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Anwer Hasan
Chairperson

James D. Fielder, Jr., Ph. D.
Secretary

MEMORANDUM

DATE: March 22, 2017

TO: Maryland Higher Education Commissioners

FROM: Emily A. A. Dow, Assistant Secretary for Academic Affairs

SUBJECT: Proposed Final Adoption of Regulations Regarding Transfer and Reverse Transfer of Credit; 13B.06.01.02, .02-1, .04--.08

The purpose of this memorandum is to request your final adoption of the attached proposed regulations 13B.06.01.02, .02-1, .04--.08 in the Code of Maryland Regulations (COMAR), which were published for comment in the Maryland Register on December 23, 2016. No comments were received regarding the proposed regulations, and they are now ready for final adoption.

The attached revisions reflect the following:

- Transfer of either an Associate's Degree or 60 credits earned towards a degree at a community college to a public 4-year institution, as noted in the CCRCCA
- Reverse transfer definition, student eligibility, and process, as noted in the STAC report to the General Assembly
- Expanded and clarified definitions
- General and organizational edits to the current regulations for readability

RECOMMENDATION: It is recommended that the Commission grants final approval to the attached regulations 13B.06.01.02, .02-1, .04--.08 regarding Transfer and Reverse Transfer of Credit.

(2) — (5) (text unchanged)
 D. — F. (text unchanged)

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

Subtitle 12 CERTIFICATION

13A.12.04 Administrators and Supervisors

Authority: Education Article, §§2-205, 2-303(g), and 6-701—6-705,
 Annotated Code of Maryland

Notice of Proposed Action
 [16-343-P]

The Professional Standards and Teacher Education Board proposes to amend Regulation .04 under **COMAR 13A.12.04 Administrators and Supervisors**. This action was considered by the Professional Standards and Teacher Education Board at their meeting on May 5, 2016 and the Maryland State Board of Education at their meeting on October 25, 2016.

Statement of Purpose

The purpose of this action is to align the regulatory language to reflect the current Professional Standards for Educational Leaders.

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 Sarah Spross, Assistant State Superintendent, Division of Educator Effectiveness, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 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 January 23, 2017. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Professional Standards and Teacher Education Board during a public meeting to be held on March 2, 2017, 9:30 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

.04 Supervisors of Instruction, Assistant Principals, and Principals.

A. (text unchanged)
 B. Administrator I.

(1) — (2) (text unchanged)

(3) Completed one of the following:

(a) A Department-approved program which leads to certification as a supervisor of instruction, assistant principal, or principal that includes the [outcomes in the Maryland instructional leadership framework] *Professional Standards for Educational Leaders*;

(b) — (c) (text unchanged)

C. — D. (text unchanged)

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

Title 13B
MARYLAND HIGHER
EDUCATION COMMISSION

Subtitle 06 GENERAL EDUCATION
AND TRANSFER

13B.06.01 Public Institutions of Higher Education

Authority: Education Article, §§11-105(u) and 11-207, Annotated Code of Maryland

Notice of Proposed Action
 [16-352-P]

The Maryland Higher Education Commission proposes to amend Regulations .02, .02-1, repeal existing Regulations .04 and .05 and adopt new Regulation .04, amend and recodify existing Regulations .06—.08 to be Regulations .05—.07, and recodify existing Regulations .09 and .10 to be Regulations .08 and .09 under **COMAR 13B.06.01 Public Institutions of Higher Education**. This action was considered by the Maryland Higher Education Commission at a public meeting on November 16, 2016.

Statement of Purpose

The purpose of this action is to implement the provisions of Education Article, §11-207, Annotated Code of Maryland, concerning the transfer and reverse transfer of credits between and among Maryland 4-year and 2-year public institutions of higher education.

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 Dr. Emily Dow, Assistant Secretary, Maryland Higher Education Commission, 6 North Liberty Street 10th Floor, or call 410-767-3041, or email to emily.dow@maryland.gov. Comments will be accepted through January 23, 2017. A public hearing has not been scheduled.

.02 Definitions.

A. (text unchanged)
 B. Terms Defined.

(1)—(2) (text unchanged)

(3) *“A.A.T. degree” means the Associate of Arts in Teaching degree.*

(4) *“A.F.A. degree” means the Associate of Fine Arts degree.*

[(3)] (5) *“Arts” means courses that examine aesthetics and the development of the aesthetic form and explore the relationship between theory and practice. [Courses in this area may include fine arts, performing and studio arts, appreciation of the arts, and history of the arts.]*

[(4)] (6) (text unchanged)

(7) "A.S.E. degree" means the Associate of Science in Engineering degree.

(8) "Associate's degree" includes an:

- (a) A.A. degree;
- (b) A.S. degree;
- (c) A.A.S. degree;
- (d) A.A.T. degree;
- (e) A.F.A. degree; and
- (f) A.S.E. degree.

[(5)] (9) (text unchanged)

(10) "Cumulative grade point average" means the average of grades received for completed coursework at all institutions attended.

[(6)] (11)—[(8)] (13) (text unchanged)

[(9)] (14) "Humanities" means courses that examine the values and cultural heritage that establish the framework for inquiry into the meaning of life. [Courses in the humanities may include the language, history, literature, and philosophy of Western and other cultures.]

[(10)] (15)—[(11)] (16) (text unchanged)

[(12)] (17) "Parallel program" means the program of study or courses at one institution of higher education [which] that has parallel courses and comparable objectives as those at another higher education institution, for example, a transfer program in psychology in a community college is definable as a parallel program to a baccalaureate psychology program at a 4-year institution of higher education.

[(13)] (18) (text unchanged)

[(14)] (19) "Recommended transfer program" means a planned program of courses, both general education and courses in the major, taken at a community college, which is applicable to a baccalaureate program at a receiving institution, and ordinarily the first [2 years] half of the baccalaureate degree.

(20) "Reverse transfer" means a process whereby credits that a student earns at any public senior higher education institution in the State toward a bachelor's degree are transferrable to any community college in the State for credit toward an associate's degree.

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

[(16)] (22) "Social and behavioral sciences" means courses that [examine the psychology of individuals and the ways in which individuals, groups, or segments of society behave, function, and influence one another] are concerned with the examination of society and the relationships among individuals within a society. [The courses include, but are not limited to, subjects which focus on:

- (a) History and cultural diversity;
- (b) Concepts of groups, work, and political systems;
- (c) Applications of qualitative and quantitative data to social issues; and
- (d) Interdependence of individuals, society, and the physical environment.]

[(17)] (23) "Transfer student" means a student entering an institution for the first time having successfully completed a minimum of 12 semester hours at another institution [which is] that are applicable for credit at the institution the student is entering.

.02-1 Admission of Transfer Students to Public Institutions.

A. Admission to Institutions.

(1) [A] Subject to §B of this regulation, a student attending a public institution who has completed an [A.A., A.A.S., or A.S.] associate's degree or who has completed [56] 60 or more semester hours of credit, may not be denied direct transfer to another public institution if the student attained a cumulative grade point average of at least 2.0 on a 4.0 scale or its equivalent at the sending institution [in parallel courses], except as provided in §A(4) of this regulation.

(2) [A] Subject to §B of this regulation, a student attending a public institution who has not completed an [A.A., A.A.S., or A.S.] associate's degree or who has completed fewer than [56] 60 semester hours of credit, is eligible to transfer to a public institution regardless of the number of credit hours earned if the student:

- (a) (text unchanged)
- (b) Attained at least a cumulative grade point average of 2.0 on a 4.0 scale or its equivalent at the sending institution [in parallel courses].

(3) [A] Subject to §B of this regulation, a student attending a public institution who did not satisfy the admission criteria of a receiving public institution as a high school senior, but who has earned sufficient credits at a public institution to be classified by the receiving public institution as a sophomore, shall meet the stated admission criteria developed and published by the receiving public institution for transfer.

(4) If the number of students seeking admission exceeds the number that can be accommodated at a receiving public institution, admission decisions shall be:

- (a) Based on criteria developed and published by the receiving public institution on the institution's website; and
- (b) (text unchanged)

B. Admission to Programs.

(1) A receiving public institution may require [higher performance standards for admission] additional program admission requirements to some programs if the standards and criteria for admission to the program:

- (a)—(b) (text unchanged)
- [(2)] If the number of students seeking admission exceeds the number that can be accommodated in a particular professional or specialized program, admission decisions shall be:

- (a) Based on criteria developed and published by the receiving public institution; and
- (b) Made to provide fair and equal treatment for native and transfer students.]

[(3)] (2) (text unchanged)

C. Receiving Institution Program Responsibility.

(1)—(3) (text unchanged)

(4) A receiving public institution shall ensure that any changes to program standards and criteria for admission and the transfer of credits maintain the fair and equal treatment of native and transfer students, and are communicated in a timely manner.

.04 Transfer of Education Program Credit.

A. Transfer of Credit to Another Public Institution.

(1) Credit earned at any public institution in the State is transferable to any other public institution if the:

- (a) Credit is from a college or university parallel course or program;
- (b) Grades in the block of courses transferred average 2.0 or higher; and
- (c) Acceptance of the credit is consistent with the policies of the receiving institution governing native students following the same program.

(2) If a native student's "D" grade in a specific course is acceptable in a program, then a "D" earned by a transfer student in the same course at a sending institution is also acceptable in the program. Conversely, if a native student is required to earn a grade of "C" or better in a required course, the transfer student shall also be required to earn a grade of "C" or better to meet the same requirement.

- (3) Credit Earned in or Transferred From a Community College.
 - (1) Except as provided in §B(5) of this regulation, at least 60 credits but not more than 70 credits of general education, elective, and major courses that a student earns at any community college in

the State toward an associate's of art or an associate's of science degree shall be transferrable to any public senior higher education institution in the State for credit toward a bachelor's degree.

(2) To be transferrable, a credit shall have been earned in accordance with the student's degree plan.

(3) Courses taken at a public institution as part of a recommended transfer program leading toward a baccalaureate degree shall be applicable to related programs at the receiving public institution granting the degree if successfully completed in accordance with the receiving institution's policies governing native students in the same program.

(4) Students earning an A.A.S. or A.F.A. degree shall have their credits evaluated in a manner that maximizes the transfer of articulated and elective credit.

(5) A community college and a public senior higher education institution may provide in an articulation agreement for the transfer of credits in addition to credits transferred under §B(1) of this regulation.

C. Nontraditional Credit.

(1) The assignment of credit for AP, CLEP, or other nationally recognized standardized examination scores presented by transfer students is determined according to the same standards that apply to native students in the receiving institution, and the assignment shall be consistent with the State minimum requirements.

(2) Transfer of credit from the following areas shall be consistent with COMAR 13B.02.02. and shall be evaluated by the receiving institution on a course-by-course basis according to the same standards that apply to native students at the receiving institution:

(a) Technical courses from career programs;

(b) Course credit awarded through articulation agreements with other segments or agencies, which should be developed in collaboration with all public institutions, including course credit awarded by articulation with Maryland public secondary schools;

(c) Credit awarded for clinical practice or cooperative education experiences;

(d) Credit awarded for life and work experiences; and

(e) Credit awarded for training, coursework, or education through the military.

(3) The basis for the awarding of the credit shall be indicated on the student's transcript by the receiving institution.

(4) The receiving institution shall inform a transfer student of the procedures for validation of course work for which there is no clear equivalency. Examples of validation procedures include ACE recommendations, portfolio assessment, credit through challenge, examinations, and satisfactory completion of the next course in sequence in the academic area.

(5) The receiving baccalaureate degree-granting institution shall use validation procedures when a transferring student successfully completes a course at the lower-division level that the receiving institution offers at the upper-division level. The validated credits earned for the course shall be substituted for the upper-division course.

D. Program Articulation.

(1) Recommended transfer programs shall be developed through collaboration between the sending and receiving institutions. A recommended transfer program represents an agreement between the two institutions that allows students aspiring to the baccalaureate degree to plan for seamless transfer. These programs constitute freshman/sophomore level course work to be taken at the community college in fulfillment of the receiving institution's lower division course work requirement.

(2) Recommended transfer programs in effect at the time that this regulation takes effect, which conform to this chapter, may be retained.

E. Reverse Transfer of Credit

(1) Subject to paragraph (2) of this section, a community college shall accept for reverse transfer any credits that an individual earned at a public senior institution up to 45 credits. Credits in excess of 45 credits may be accepted in accordance with the community college's policy.

(2) To be eligible for the transfer of credit under paragraph (1) of this section, a student shall have completed at least 15 credits at the community college to which the credits are transferred.

(3) Community colleges and public senior institutions shall develop a process to identify students eligible for reverse transfer at no cost to the student.

F. Transfer of General Education Credit

(1) A student transferring to one public institution from another public institution shall receive general education credit for work completed at the student's sending institution as provided by this chapter.

(2) A completed general education program shall transfer without further review or approval by the receiving institution and without the need for a course-by-course match.

(3) Courses that are defined as general education by one institution shall transfer as general education even if the receiving institution does not have that specific course or has not designated that course as general education.

(4) A Maryland community college shall accept 28 - 36 credits of general education as specified in § C of Regulation .03 of this chapter as completion of the general education requirements at the community college, without further review or the need for a course-by-course match.

(5) The receiving institution shall give lower-division general education credits to a transferring student who has taken any part of the lower-division general education credits described in Regulation .03 of this chapter at a public institution for any general education courses successfully completed at the sending institution.

(6) Except as provided in Regulation .03M of this chapter, a receiving institution may not require a transfer student who has completed the requisite number of general education credits at any public college or university to take, as a condition of graduation, more than 10--18 additional semester hours of general education and specific courses required of all students at the receiving institution, with the total number not to exceed 46 semester hours. This provision does not relieve students of the obligation to complete specific academic program requirements or course prerequisites required by a receiving institution.

(7) Each public institution shall designate on or with the student transcript those courses that have met its general education requirements, as well as indicate whether the student has completed the general education program.

(8) Associate's Degrees.

(a) While there may be variance in the numbers of hours of general education required for associate's degrees at a given institution, the courses identified as meeting general education requirements for all degrees shall come from the same general education course list and exclude technical or career courses.

(b) A student possessing an associate's degree who transfers into a receiving institution with fewer than the total number of general education credits designated by the receiving institution shall complete the difference in credits according to the distribution as designated by the receiving institution. Except as provided in § M of regulation .03 of this chapter, the total general education credits for baccalaureate degree-granting public receiving institutions may not exceed 46 credits.

(9) *Student Responsibilities. A student is held:*

(a) *Accountable for the loss of credits that:*

(i) *Result from changes in the student's selection of the major program of study,*

(ii) *Were earned for remedial course work, or*

(iii) *Exceed the total course credits accepted in transfer as allowed by this chapter; and*

(b) *Responsible for meeting all requirements of the academic program of the receiving institution.*

[.06] .05 Academic Success and General Well-Being of Transfer Students.

A. Sending Institutions.

(1) Community colleges shall encourage their students to complete the associate degree [or to complete 56 hours] in a recommended transfer program [which] *that* includes both general education courses and courses applicable toward the program at the receiving institution.

(2) (text unchanged)

(3) The sending institution shall:

(a) Provide to community college students information about the specific transferability of courses *and* programs [at] *to* 4-year colleges;

(b)—(c) (text unchanged)

B. Receiving Institutions.

(1)—(2) (text unchanged)

(3) A receiving institution shall evaluate the transcript *or transcripts* of a degree-seeking transfer student as expeditiously as possible, and notify the student of the results [not later than mid-semester of the student's first semester of enrollment at the receiving institution, if all official transcripts have been received at least] *within* [15] 20 working days [before mid-semester] *of the receipt of all official transcripts*. The receiving institution shall inform a student of the courses [which] *that* are acceptable for transfer credit and the courses [which] *that* are applicable to the student's intended program of study.

(4) [A receiving institution shall give a transfer student the option of satisfying institutional graduation requirements that were in effect at the receiving institution at the time the student enrolled as a freshman at the sending institution. In the case of major requirements, a transfer student may satisfy the major requirements in effect at the time when the student was identifiable as pursuing the recommended transfer program at the sending institution. These conditions are applicable to a student who has been continuously enrolled at the sending institution.] *A transfer student shall be provided the same opportunity as a native student to pursue the program and degree requirements that were in effect at the time that the student enrolled at the sending institution provided they have been continuously enrolled and otherwise meet the same requirements of the native student.*

[.07] .06 Programmatic Currency.

A. [A receiving institution] *Maryland public institutions* shall [provide] *collaborate* [to the community college] *to develop and provide to students* current and accurate information on [recommended transfer] *transferable* programs and [the transferability status of courses. Community college students shall have access to this information] *courses*.

B. *Upon approval of new baccalaureate programs,* [Recommended] *recommended* transfer programs shall be developed with each community college [whenever new baccalaureate programs are approved by the degree-granting institution].

C. (text unchanged)

[.08] .07 Transfer Mediation Committee.

A. [There is a Transfer Mediation Committee, appointed by] *Sending and receiving institutions that disagree on the transferability of general education courses as defined by this chapter shall submit their disagreements to the Secretary, who shall appoint a Transfer Mediation Committee to adjudicate the disagreement. Members appointed to the Transfer Mediation Committee [which is] shall be representative of the public 4-year colleges and universities and the community colleges.*

[B. Sending and receiving institutions that disagree on the transferability of general education courses as defined by this chapter shall submit their disagreements to the Transfer Mediation Committee. The Transfer Mediation Committee shall address general questions regarding existing or past courses only, not individual student cases, and shall also address questions raised by institutions about the acceptability of new general education courses. As appropriate, the Committee shall consult with faculty on curricular issues.]

B. The Transfer Mediation Committee shall address general education issues at the course or curricular level, not individual student cases. As appropriate, the Committee shall consult with faculty on curricular issues.

C. (text unchanged)

JAMES D. FIELDER, JR., Ph.D.
Secretary of Higher Education

**Title 31
MARYLAND INSURANCE
ADMINISTRATION**

**Subtitle 03 INSURANCE PRODUCERS
AND OTHER INSURANCE
PROFESSIONALS**

31.03.06 Surplus Lines

Authority: Insurance Article, §§2-109, 3-304, 3-306, 3-307, 3-311—3-313, 3-325(c), 9-301(f), 9-303(5), 9-401(i)(I), and 9-405(b), Annotated Code of Maryland

Notice of Proposed Action

[16-350-P]

The Insurance Commissioner proposes to amend Regulation .10 under **COMAR 31.03.06 Surplus Lines**.

Statement of Purpose

The purpose of this action is to add short-term homeshare business multi-peril insurance to the exportable list. This coverage is presently not available on the admitted market to all applicants.

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.



Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Anwer Hasan
Chairperson

James D. Fielder, Jr., Ph. D.
Secretary

MEMORANDUM

DATE: March 22, 2017

TO: Maryland Higher Education Commissioners

FROM: Donna Thomas
Director of Student Financial Assistance

SUBJECT: Proposed Approval of Regulations– Maryland Dent-Care Loan Assistance Repayment Program under COMAR 13B.08.09; Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants under COMAR 13B.08.16; and the Workforce Shortage Student Assistance Grant Program under COMAR 13B.08.14

SUMMARY: The purpose of this memorandum is to request approval to publish for comment program regulations for the Maryland Dent-Care Loan Assistance Repayment Program; Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants; and the Workforce Shortage Student Assistance Grant Program as part of the Office of Student Financial Assistance (OSFA) ongoing process to convert all program guidelines into regulations.

The purpose of the Maryland Dent-Care Loan Assistance Repayment Program is to increase access to oral health services for Maryland Medical Assistance Program (MMAP) recipients by increasing the number of dentists who treat that population.

The purpose of the Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants Program is to provide loan repayment assistance for primary care physicians and physician assistants practicing primary care, and medical residents specializing in primary care who pledge to provide primary care services in the State. Physicians and physician assistants must be practicing in an underserved area of the State

The purpose of the Workforce Shortage Student Assistance Grant Program is to help meet the State's need for well trained and highly skilled workers in shortage areas.

If approved for publication by the Commission, these regulations will be formatted and submitted to the Administrative, Executive and Legislative Review (AELR) Committee for review for at least fifteen (15) days before they are submitted to the Maryland Register for

publication. The regulations will undergo a thirty day comment period and will return to the Commission for amendment or final adoption at the May 24, 2017 Commission meeting.

RECOMMENDATION: It is recommended that the Maryland Higher Education Commission approve for publication and public comment the attached proposed regulations for the Maryland Dent-Care Loan Assistance Repayment Program; Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants; and the Workforce Shortage Student Assistance Grant Program, and authorizes MHEC's attorneys to approve non-substantive revisions as necessary to conform the proposed regulations to the stylistic and formatting requirements of AELR and of the Division of State Documents.

Title 13B

MARYLAND HIGHER EDUCATION COMMISSION

Subtitle 08 FINANCIAL AID

Chapter 09 Maryland Dent-Care Loan Assistance Repayment Program

.01 PURPOSE.

A. The purpose of the Maryland Dent-Care Loan Assistance Repayment Program (MDC-LARP) is to increase access to oral health services for Maryland Medical Assistance Program (MMAP) recipients by increasing the number of dentists who treat that population.

B. The MDC-LARP is funded through Maryland general funds and provides loan repayment for Maryland licensed dentists dependent upon available annual funding.

C. A dentist who participates in this program shall agree to provide oral health care services to a minimum of 30% MMAP recipients as a proportion of their total patient population, document this information, and submit confirming written reports.

.02 ELIGIBILITY.

A. To be eligible for Maryland Dent-Care Loan Assistance Repayment Program (MDC-LARP) repayment assistance, an individual shall:

(1) Be employed as a full-time dentist in the State;

(2) Demonstrate financial need;

(3) Have received a dental degree from a college or university in the State of Maryland or from an accredited U.S. dental school;

(4) Have a valid unrestricted license to practice dentistry in the State of Maryland at the time the service obligation begins;

(5) Have not breached an obligation for service to a federal, state, or local government entity;

(6) Have no unserved obligations for service to a federal, state, or local government, or to another entity, with the exception of the U.S. Department of Health and Human Services' Primary Care Loans, Exceptional Financial Need Scholarships, and Financial Assistance for Disadvantaged Health Professions Students;

(7) Have outstanding eligible higher education loans;

(8) Not be in default on any eligible higher education loan; and

(9) Agree to provide services as provided in Regulation .07 of this Chapter.

B. Service obligations shall be rendered at an eligible practice site, which is any federal, state, local, or private for-profit or nonprofit dental facility (including a solo, group, or incorporated private practice) that treats all persons and agrees to the statutory requirement that a minimum of 30% of the patients treated each year for 3 years are in a private or clinical setting serving Maryland Medical Assistance Program recipients.

C. Loans eligible for repayment assistance are any loans for undergraduate or graduate dental professional study obtained for tuition, educational expenses, or living expenses from a college, university, government, commercial source, or an organization, institution, association, society, or corporation that is exempt from taxation under §501(c)(3) or (4) of the Internal Revenue Code of 1986. An MDC-LARP recipient shall provide documentation that commercial loans were used for payment of tuition, educational expenses, or living expenses.

.03 DETERMINATION OF GEOGRAPHIC DENTIST SHORTAGE AREAS.

A. The Maryland Department of Health and Mental Hygiene, Office of Primary Care Services (DHMH) shall be responsible for designating geographic dentist shortage areas in Maryland and reporting the designations annually to the Office for Student Financial Assistance according to a schedule that corresponds to the Maryland Dent-Care Loan Assistance Repayment Program (MDC-LARP) award cycle.

B. Geographic areas designated by DHMH shall coincide with Maryland's federal Dental Health Professions Shortage Areas (Dental HPSAs). In addition, DHMH may identify other areas based on health status indicators that DHMH deems appropriate.

C. Designated dentist shortage areas shall be provided to the Review Panel as described in Regulation.05 of this Chapter for the purpose of reviewing applications and designating underserved areas.

D. A dentist does not have to practice in a Dental HPSA to be considered for an MDC-LARP.

.04 APPLICATION PROCEDURES.

A. An individual shall complete an application and provide any additional information required by the Office of Student Financial Assistance (OSFA) and the Office of Oral Health (OOH) to be considered for Maryland Dent-Care Loan Assistance Repayment Program repayment assistance.

B. The OOH is responsible for the development and distribution of application forms and materials.

C. An applicant shall provide:

- (1) A completed application;
- (2) Proof of graduation from an accredited U.S. school of dentistry;
- (3) Documentation of the amounts and the holders of the applicant's outstanding eligible higher education loans;
- (4) Letters of recommendation from 3 individuals;
- (5) Proof of a dental license issued by the Maryland State Board of Dental Examiners; and
- (6) If entering a group practice or incorporated practice, a letter of intent from the employer stating that the other members of the practice are aware of the program and the requirements that need to be fulfilled; and
- (7) If in solo practice, proof that the practice exists.

D. Each applicant shall agree to provide any information or documentation requested by OSFA and OOH for the purpose of administering this program and, if requested, shall sign an authorization for the release of information to OSFA for the purpose of administering this program. The applicant's failure or refusal to provide requested information or a signed release may result in a determination of ineligibility, the cancellation of an award, or the denial of a deferment, cancellation, suspension, or waiver request.

.05 SELECTION PROCESS.

A. The Office of Oral Health (OOH) shall appoint a Review Panel, which includes dentists who have experience treating Medicaid and low-income patients, to assist in the annual selection of Maryland Dent-Care Loan Assistance Repayment Program (MDC-LARP) recipients.

B. The Review Panel shall be responsible for reviewing the eligible applicants and recommending to OOH which applicants should receive an award.

C. The OOH shall make the final selection of MDC-LARP recipients.

D. The Review Panel may consider the following criteria in making its recommendations to OOH:

- (1) The dental health care needs of the geographic area where the dental practice is located;
- (2) The professional competence and conduct of applicants;
- (3) The applicant's willingness to serve the 3 year requirement;
- (4) The applicant's personal or professional background and whether it demonstrates an understanding of the dental needs that exist in shortage areas or in underserved populations; and
- (5) Additional criteria as directed by OOH to accommodate the goals of the MDC-LARP program.

.06 MARYLAND DENT-CARE LOAN ASSISTANCE REPAYMENT PROGRAM AWARDS.

A. The total number of awards made each year shall be determined on an annual basis by the Office of Student Financial Assistance (OSFA) and the Maryland Department of Health and Mental Hygiene (DHMH) and shall be based on the amount of funds available.

B. The award amount for new Maryland Dent-Care Loan Assistance Repayment Program (MDC-LARP) awards shall be determined on an annual basis by OSFA and DHMH, and shall be based on the available annual funding, the number of selected recipients, a recipient's total indebtedness from eligible higher education loans at the time of application, and the number of years the recipient agrees to serve in the program.

C. An award shall be a for minimum of \$10,000 per year and up to a maximum of \$30,000 per year.

D. An MDC-LARP award may not exceed the MDC-LARP recipient's total indebtedness from eligible higher education loans.

E. The OSFA shall issue checks to selected MDC-LARP recipients within 60 days of completing their service year. A "service year" is the 365-day period commencing on the date of the first day the MDC-LARP recipient begins to fulfill the service obligation at an eligible practice site. Unless the MDC-LARP recipient does not fulfill the service obligation as scheduled, subsequent service years for that MDC-LARP recipient begin and end on the same dates as the first service year. The amount of the check shall equal the loan repayment amount specified for the service year in the contract between the MDC-LARP recipient and the Commission.

F. A loan repayment check shall be made co-payable to the MDC-LARP recipient and the holder of the MDC-LARP recipient's eligible higher education loans. The MDC-LARP recipient shall endorse and forward the check to the loan holder.

G. An MDC-LARP recipient shall notify OSFA if there is a change in the holder of a loan.

I. An MDC-LARP recipient may receive renewal awards for up to a maximum of 3 years if the recipient continues to meet the eligibility criteria and have outstanding eligible higher education loans, depending upon available funding. Individuals applying for an award renewal are given neither preference nor guaranteed renewal.

.07 MARYLAND DENT-CARE LOAN ASSISTANCE REPAYMENT PROGRAM RECIPIENT OBLIGATIONS.

A. The recipient of an Maryland Dent-Care Loan Assistance Repayment Program (MDC-LARP) award shall furnish the Office of Student Financial Assistance (OSFA) with written acceptance of the award and sign a promissory note that stipulates the:

- (1) Obligations of an MDC-LARP recipient;
- (2) Number of years to which the MDC-LARP recipient commits;
- (3) Total and annual amounts of the MDC-LARP award;
- (4) Penalties for breaching the promissory note;
- (5) Circumstances under which the obligation may be deferred, cancelled, suspended, or waived; and

(6) *Other terms OSFA deems necessary.*

B. *A recipient of an MDC-LARP award shall:*

(1) *Provide dental care services to Maryland Medical Assistance Program MMAP recipients (at least 30% of their practice) for one year for each year the individual received an award, in a full-time eligible practice site (full-time practice means a minimum of 40 hours per week);*

(2) *Provide at least 32 hours of the required 40 hours per week during normally scheduled office hours providing clinical dental services at an eligible practice site; and*

(3) *Ensure that no more than 35 workdays are spent away from the practice for holidays, vacation, continuing professional education, illness, or any other reason. Absences greater than 35 workdays in any given 52-week period shall extend the service obligation end date.*

C. *While in practice at an eligible practice site, an MDC-LARP recipient shall:*

(1) *Sign up to be a Medical Assistance provider with the Maryland Healthy Smiles Program;*

(2) *Accept and render services to Maryland Medical Assistance Program recipients;*

(3) *Maintain a valid license to practice dentistry in the State of Maryland throughout the service obligation;*

(4) *Notify OSFA if the employment arrangement at the eligible practice site is terminated or changed;*

(5) *Notify OSFA if the repayment of a loan is undertaken by an entity defined in §18-2401(b)(2) of the Education Article of the Annotated Code of Maryland;*

(6) *Keep timely records of services rendered to all Medicaid patients (both Network Provider Recipients and Maryland Medical Assistance Program Recipients) and provide the Department of Health and Mental Hygiene Office of Oral Health with written reports of those services as allowed by federal and state confidentiality statutes and regulations; and*

(7) *Complete an exit interview at the end of the final service period.*

.08 VERIFICATION.

A. *The Office of Student Financial Assistance (OSFA) shall require annual verification that a Maryland Dent-Care Loan Assistance Repayment Program (MDC-LARP) recipient is fulfilling their award obligations.*

B. *Prior to issuing an MDC-LARP recipient's check for the first year of service, OSFA shall receive notice from the Maryland Department of Health and Mental Hygiene Office of Oral Health (DHMH) that confirms that the MDC-LARP recipient is providing appropriate service at that site. Prior to issuing a check for a subsequent year of service, OSFA shall receive confirmation from the DHMH that the MDC-LARP recipient provided services in the previous year and continues to practice at an eligible practice site.*

.09 BREACH OF A RECIPIENT'S OBLIGATIONS.

A. *A Maryland Dent-Care Loan Assistance Repayment Program (MDC-LARP) recipient breaches the recipient's obligations if:*

(1) *They do not begin their service obligation at an eligible practice site within 3 months of the close of the fiscal year in which the promissory note is executed; or*

(2) *The MDC-LARP recipient separates from the eligible practice site prior to fulfilling the service obligation and does not move to a site that complies with the program requirements.*

B. *An MDC-LARP recipient who breaches their obligation shall be subject to the total of the following financial penalties:*

(1) *The total amounts paid to, or on behalf of, the recipient for loan repayments for any period of obligated service not served;*

(2) *An amount equal to the number of months of obligated service not completed multiplied by \$7,500; and*

(3) *Interest on the above amounts at the maximum legal prevailing rate, as determined by the Treasurer of the United States, from the date of breach.*

C. *In addition to the penalties in §B of this Regulation, the State of Maryland is entitled to recover costs, fees, and expenses associated with the collection of these penalties, including attorney's fees, as prescribed by State law or regulation*

D. *Amounts not paid within 1 year of the breach shall be subject to garnishment of wages, deductions in Medicaid payments, and other collection methods.*

E. *The Office of Student Financial Assistance shall report recipients who fail to pay their financial penalties within one year to the Maryland State Board of Dental Examiners. Recipients may be subject to disciplinary action by the Board of Dental Examiners.*

F. *An MDC-LARP recipient's financial obligation for payment of damages may not be released by discharge of bankruptcy under Title 11 of the United States Code.*

.10 DEFERMENT, CANCELLATION, SUSPENSION, AND WAIVER OF OBLIGATION.

A. *The Office of Student Financial Assistance (OSFA) may consider deferment, cancellation, suspension, or waiver of the obligation as provided in this Regulation.*

B. *The OSFA may consider deferment for:*

(1) *Military service for a period not to exceed 3 years;*

(2) *Extended illness verified by a physician;*

- (3) *Extenuating family circumstances to be decided on a case-by-case basis; and*
- (4) *Maternity/paternity leave not to exceed 6 months.*

C. *The OSFA may consider cancellation, suspension, or waiver as follows:*

(1) *Any service or payment obligation incurred by a Maryland Dent-Care Loan Assistance Repayment Program (MDC-LARP) recipient is cancelled upon the MDC-LARP recipient's death; and*

(2) *The OSFA may waive or suspend an MDC-LARP recipient's service or payment obligation if, as determined by OSFA, compliance by the MDC-LARP recipient with the terms and conditions of the contract is impossible or would involve extreme hardship.*

.11 RESPONSIBILITIES OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE OFFICE OF ORAL HEALTH.

The Maryland Department of Health and Mental Hygiene Office of Oral Health shall be responsible for:

A. *Promoting and recruiting the Maryland Dent-Care Loan Assistance Repayment Program (MDC-LARP) program in conjunction with the Office of Student Financial Assistance (OSFA);*

B. *Certifying eligible practice sites;*

C. *Selecting eligible applicants;*

D. *Notifying OSFA of selected eligible applicants;*

E. *Confirming that MDC-LARP recipients are fulfilling their requirements;*

F. *Appointing an individual to serve on the Review Panel; and,*

G. *Nominating individuals to serve on the Review Panel.*

Title 13B

MARYLAND HIGHER EDUCATION COMMISSION

SUBTITLE 08 FINANCIAL AID

Chapter 16 Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants

Authority: Education Article, §§11-105(u) and 18-204(c) and Title 18, Subtitle 28; Annotated Code of Maryland

.01 PURPOSE.

The purpose of the Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants is provide loan repayment assistance for primary care physicians and physician assistants practicing primary care, and medical residents specializing in primary care who pledge to provide primary care services in the State. Physicians and physician assistants must be practicing in an underserved area of the State.

.02 DEFINITIONS.

- A. In this Chapter, the following terms have the meaning indicated.
- B. "DHMH" means the Maryland Department of Health and Mental Hygiene.
- C. "Eligible practice site" means any federal, state, local, or nonprofit patient medical care facility (including a private practice) that treats all persons regardless of ability to pay, which is located in a geographic region of Maryland that has been federally designated, for purposes of eligibility for SLRP funds, as a HPSA and additionally, for eligibility for non-SLRP funds in the MLARP Fund, as a HPSA, or in any other federally designated area, or medically underserved area or population (MUA/P).
- D. "Health Enterprise Zone" means the neediest areas in Maryland in regards to healthcare access for the underserved as determined by DHMH.
- E. "HPSA" means a Health Professional Shortage Area.
- F. "HRSA" means the federal Health Resources and Services Administration.
- G. "MLARP" means the Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants.
- H. "MUA/P" means a medically underserved area or population.
- I. "OSFA" means the Office of Student Financial Assistance within the Maryland Higher Education Commission.
- J. "Primary care" means:
 - (1) For physician eligibility for SLRP funds, primary care refers to internal medicine, family medicine, pediatrics, geriatrics, obstetrics/gynecology, and psychiatry, and in addition, to be eligible for non-SLRP funds in the MLARP Fund, primary care refers to emergency medicine, women's health and any other primary care.
 - (2) For Physician Assistant (PA) eligibility for SLRP funds, primary care refers to adult, family, pediatric, women's health, geriatrics and mental health & psychiatry, and in addition to be eligible for non-SLRP funds in the MLARP Fund, primary care refers to emergency medicine and any other primary care.
- K. "SLRP" means the HRSA's State Loan Repayment Program.

.03 ELIGIBILITY.

- A. A recipient of repayment assistance under the MLARP shall:
 - (1) Be a physician or physician assistant who practices in primary care at an eligible practice site, or be a medical resident specializing in primary care who agrees to practice primary care at an eligible practice site;
 - (2) Be a citizen or national of the United States;
 - (3) Have a valid unrestricted license to practice medicine or practice as a physician assistant in the State of Maryland at the time the service obligation begins;
 - (4) Have not breached an obligation for service to a federal, state, or local government entity;
 - (5) Have no un-served obligations for health professional service to a federal, state, or local government, or to another entity, unless that obligation will be completely satisfied before the service obligation agreement is signed with the Commission, with the exception of individuals in a reserve component of the U. S. Armed Forces or National Guard;
 - (6) Have outstanding eligible higher education loans; and
 - (7) Not be in default on any eligible higher education loan.
- B. A recipient of repayment assistance under the SLARP shall:
 - (1) If a physician, have completed a medical residency;
 - (2) If a physician assistant, have graduated from an accredited physician assistant school;
 - (3) Have no judgment lien against the individual's property for a debt to the United States;
 - (4) Not be excluded, debarred, suspended, or disqualified by a Federal Agency;

(5) Have not defaulted on a federal or state payment obligation, or a child support payment obligation, even if the obligation was ultimately paid in full;

(6) Not have breached a prior service obligation, even if the obligation was ultimately fulfilled;

(7) Have had no debts written off as uncollectible; and

(8) Have had no service or payment obligation waived.

C. A physician or physician assistant may be eligible for MLARP funds if the provider practices:

(1) Primary care in a geographic area identified by DHMH as having a shortage of primary care physicians or physician assistants; or

(2) A medical specialty other than primary care in a geographic area identified by DHMH as having a shortage of that specialty.

D. Loans eligible for repayment assistance are any loans that are obtained for tuition, educational expenses, or living expenses for undergraduate or graduate study leading to practice as a physician or physician assistants. The recipient must be able to provide documentation that commercial loans were used for payment of tuition, educational expenses, or living expenses.

.04 DETERMINATION OF GEOGRAPHIC PHYSICIAN SHORTAGE AREAS .

A. The DHMH is responsible for determining and verifying HPSAs, any other federally designated areas, and MUA/Ps and reporting these designations to OSFA.

B. The DHMH shall verify the validity of all HPSAs, other federally designated areas, and MUA/Ps immediately prior to the commencement of performance of each service obligation.

C. Recipients are required to be in a HPSA or MUA/P or DHMH-designated area on their start date. If, during the course of their service obligation the HPSA or MUA/P or DHMH - designation status is lost, the physician or physician assistant is required to fulfill their obligation and they are still eligible to receive payment based on their existing contract.

.05 APPLICATION PROCEDURES.

A. The DHMH shall administer the recruitment and application process.

B. The OSFA shall administer the program and ensure payment.

C. All applicants shall provide:

(1) A completed application;

(2) Proof of graduation from an accredited school of medicine or physician assistant program;

(3) Documentation of the amounts and the holders of the applicant's outstanding eligible higher education loans;

and

(4) A signed agreement to provide any information or documentation requested by the Office of Student Financial Assistance (OSFA) for the purpose of administering this program and, if requested, shall sign an authorization for the release of information to OSFA for the purpose of administering this program. The applicant's failure or refusal to provide requested information or a signed release may result in a determination of ineligibility, revocation of an award, denial of service credit, imposition of repayment obligations, or denial of a deferment or waiver request.

D. Physician and physician assistant applicants who practice in primary care shall provide:

(1) All items listed in §C of this Regulation;

(2) A letter of intent or an employment contract with an eligible practice site; and

(3) A promissory note and a service obligation agreement with OSFA agreeing to practice for at least 2 years at the eligible practice site.

E. Medical resident applicants specializing in primary care shall submit:

(1) All items listed in §C of this Regulation;

(2) A signed promissory note and a signed service obligation agreement with OSFA agreeing:

(a) To practice for at least two years at an eligible practice site;

(b) To begin fulfilling the service obligation at an eligible practice site at the completion of residency training in primary care; and

(c) Not to participate in a medical residency training program other than in internal medicine, family medicine, pediatrics, obstetrics/gynecology, geriatrics, psychiatry, emergency medicine or any other primary care prior to fulfilling the service obligation.

F. Each applicant shall agree to provide any information or documentation requested by OSFA for the purpose of administering this program and, if requested, shall sign an authorization for the release of information to OSFA for the purpose of administering this program. The applicant's failure or refusal to provide requested information or a signed release may result in a determination of ineligibility, revocation of an award, denial of service credit, imposition of repayment obligations, or denial of a deferment or waiver request.

.06 SELECTION PROCEDURES.

A. DHMH shall use a technical scoring sheet to rank applicants based on provider needs in the State.

B. Applications shall be scored and ranked according to:

(1) Health Enterprise Zone;

- (2) The professional competence and conduct of an applicant;
- (3) Specialty of Practice;
- (4) Jurisdiction;
- (5) Rural/Urban Practice Site;
- (6) Health Professional Shortage Area Score;
- (7) Years provider plans on working at site;
- (8) Total educational loan indebtedness;
- (9) Salary; and
- (10) Non-profit/For profit status.

C. Funding for MLARP shall be prioritized in the following order:

- (1) Physicians and physician assistants that are located in a HPSA or MUA/P and that meet the requirements under Education Article, §18-2804(b), Annotated Code of Maryland;
- (2) Physicians and physician assistants practicing primary care in a geographic area identified by DHMH as having a shortage of primary care physicians or physician assistants (i.e. Health Enterprise Zones); and
- (3) Physicians and physician assistants practicing a medical specialty other than primary care in a geographic area identified by DHMH as having a shortage of that specialty.

D. Medical residents specializing in primary care shall also be ranked based on the following:

- (1) Whether the applicant will be in their final year of residency;
- (2) Whether an applicant has completed a rotation in a rural or underserved area in medical school or during the course of the residency; and
- (3) An applicant's level of indebtedness.

E. A primary care physician who is already practicing at an eligible practice site may be considered for an award. However, OSFA does not make awards based on prior service at the practice site.

.07 AWARD PROCEDURES.

A. Number of Awards.

- (1) The number of awards made each year shall be based on the amount of funds available.
- (2) Up to one-half of the total awards each year, but not less than 1 award, shall be reserved for medical residents.
- (3) If no medical residents apply, all available funds may be awarded to physicians or physician assistants practicing in primary care.

B. Award Amount.

- (1) Physicians or physician assistants practicing in primary care.
 - (a) A physician or physician assistant practicing in primary care may receive up to \$50,000 per year for a 2-year commitment.
 - (b) If DHMH determines that one of the primary care disciplines is in particularly short supply based on the needs of the State's HPSAs, other federally designated areas or MUA/Ps, OSFA may offer awards to recipients in the discipline up to \$ 50,000 per year for commitments as short as 2 years.
 - (c) A recipient may not receive total funds of more than \$200,000 or 2 two-year obligations.
 - (d) An award may not exceed the recipient's total indebtedness from eligible higher education loans.
- (2) Medical residents specializing in primary care.
 - (a) During the recipient's primary care medical residency period, the award amount shall be as specified in the promissory note and service obligation agreement between the recipient and OSFA, based on installments payable on the recipient's eligible higher education loans.
 - (b) The total award during the final year of residency may not exceed \$33,334.
 - (c) The award for medical residents may not exceed \$33,333 in the year one (practice) of obligation and \$33,333 in the year two (practice) of obligation. The total amount that a resident may receive for a two year (practice) obligation is \$100,000.
 - (d) Upon completion of the primary care medical residency and upon commencement of service, the recipient is eligible for the same level of annual awards available for physicians practicing in primary care, not to exceed a total from all service of \$ 200,000.
 - (e) A recipient's primary care medical residency may not count toward the recipient's service obligation.

C. Method and Timing of Payments.

- (1) Physicians or physician assistants practicing in primary care.
 - (a) The OSFA shall issue a check to a recipient who is a physician or physician assistant practicing in primary care within 60 days of the date that the recipient begins each service year.
 - (b) A service year is the 365-day period commencing on the date of the first day the recipient begins to fulfill the service obligation at an eligible practice site.
 - (c) The amount of the check (or checks) shall be equal to the loan repayment amount specified for the service year in the service obligation agreement between the recipient and OSFA.
 - (d) Loan repayment checks are made co-payable to the recipient and the holder(s) of the recipient's eligible higher education loans. The recipient shall endorse and forward the check(s) to the holder(s).
 - (e) The recipient shall notifying OSFA if the holder of a loan has changed.

(f) Subsequent service years for a recipient shall begin and end on the same dates as the first service year, unless the recipient does not fulfill the service obligation as scheduled.

(2) Medical resident specializing in primary care.

(a) The OSFA shall issue a check to a recipient who is a medical resident specializing in primary care within 60 days of the date of the execution of the promissory note and the service obligation agreement.

(b) The amount of the check (or checks) shall be equal to the loan repayment amount specified in the service obligation agreement between the recipient and OSFA.

(c) A medical resident shall begin their service obligation at the next obligation cycle following the completion of their residency. Once the medical resident begins fulfilling their service obligation at an eligible practice site, the method and timing of payments correspond to the procedures for physicians and physician assistants.

(d) Loan repayment checks are made co-payable to the recipient and the holder(s) of the recipient's eligible higher education loans. The recipient shall endorse and forward the check(s) to the holder(s).

(e) The recipient shall notify OSFA if the holder of a loan has changed.

D. Payment of SLRP and MLARP Awards.

(1) For SLRP awards, OSFA shall pay one-half of each year's award to a recipient from Federal SLRP grant funds and one-half from non-SLRP funds in the MLARP Fund.

(2) For MLARP awards, OSFA shall pay 100 per cent of each year's award from non-SLRP funds in the MLARP fund.

E. Renewal of Awards.

(1) A recipient may renew their award if they satisfy the conditions in paragraph (2) of this section and OSFA has sufficient funding.

(2) To be eligible for a renewal, a recipient shall:

(a) Continue to meet all eligibility criteria;

(b) Continue to have outstanding eligible higher education loans; and

(c) Have not reached the repayment maximum amount of \$ 200,000.

.08 RECIPIENT OBLIGATIONS.

A. All recipients shall:

(1) Provide OSFA with written acceptance of the award; and

(2) Sign a promissory note and service obligation agreement with OSFA specifying:

(a) The obligations of the recipient;

(b) The number of years to which the recipient commits;

(c) The total and annual amounts of the award;

(d) Penalties for breach of the promissory note and service obligation agreement;

(e) Circumstances under which the obligation may be cancelled, suspended, or waived; and

(f) Any other terms OSFA deems necessary.

B. Recipients who are physicians and physician assistants practicing in primary care shall:

(1) Provide all items in §A of this Regulation;

(2) Maintain a valid license to practice medicine in the State of Maryland throughout the service obligation;

(3) Serve for a minimum of 2 years in a full-time practice at an eligible practice site, exclusive of any time spent while in school or in medical residency training;

(4) Work at least 40 hours per week;

(5) With the exception of obstetricians/gynecologists, provide at least 32 hours of the 40 hours per week requirement during normally scheduled office hours in the ambulatory setting at an eligible practice site;

(6) If an obstetrician/gynecologist, provide at least 21 hours of the 40 hours per week during normally scheduled office hours in the ambulatory setting at an eligible practice site;

(7) Schedule the 40 hours per week requirement into no less than 4 days per week with no more than 12 hours to be performed in any 24-hour period;

(8) Not count any time "on-call" toward the required 40-hour week;

(9) Be absent from work for no more than 35 work days for any reason, including holidays, vacation, continuing professional education, illness, leave, or any other reason;

(10) Notify OSFA if the employment arrangement at the eligible practice site is terminated or changed;

(11) Notify OSFA if the repayment of a loan is undertaken by an entity defined in § 18-1601(c)(2) of Education Article in the Annotated Code of Maryland; and

(12) In their practice at an eligible practice site:

(a) Charge at the usual and customary rate for the area;

(b) Apply a reduced fee for persons who demonstrate an inability to pay;

(c) Treat patients regardless of ability to pay and accept patients on Medicare, Medicaid, and the Children's Health Insurance Program; and

(d) Accept Medicare assignment and assignment from Maryland Medical Assistance through the Maryland Access to Care Program.

C. Recipients who are medical residents specializing in primary care shall:

- (1) Provide all items in §A of this Regulation;
- (2) Complete residency training in primary care without interruption;
- (3) May not participate in a residency training program other than in internal medicine, family medicine, pediatrics, obstetrics/gynecology, geriatrics, psychiatry, emergency medicine, women's health or other primary care;
- (4) Begin the service obligation at an eligible practice site at the beginning of the next obligation cycle; and
- (5) Upon commencement of the service obligation, fulfill the same obligations as those required of physicians and physician assistants practicing in primary care under §B of this Regulation.

D. The service obligation end date of a physician or physician assistant practicing in primary care who is absent from work for more than 35 days any given 52-week period shall be extended by the number of absences in excess of 35.

.09 VERIFICATION.

A. OSFA shall require annual verification that the recipient is fulfilling the recipient's obligation under the service obligation agreement.

B. Physicians and physician assistants practicing in primary care.

(1) Prior to issuing the recipient's check(s) for the first year of service, OSFA shall receive notice from the eligible practice site that confirms that the recipient is providing appropriate service at that site.

(2) Prior to issuing checks for subsequent years of service, OSFA shall receive confirmation from the eligible practice site that the recipient, in accordance with the service obligation agreement, provided services in the previous year and continues to practice at the eligible practice site.

C. Medical residents specializing in primary care.

(1) Prior to issuing the recipient's check(s) for any 12-month period or portion of a 12-month period during residency, OSFA shall receive notice from the residency training program confirming that the recipient is specializing in internal medicine, family medicine, pediatrics, obstetrics/gynecology, geriatrics, psychiatry, emergency medicine, women's health or other primary care, as stipulated in the service obligation agreement.

(2) When the recipient completes residency training and begins fulfilling the service obligation, OSFA shall follow the same verification procedures used for physicians and physician assistants practicing in primary care.

.10 BREACH OF PROMISSORY NOTE AND SERVICE OBLIGATION AGREEMENT.

A. Breach.

(1) A recipient shall be in breach of the promissory note and service obligation agreement with OSFA if the recipient separates from the eligible practice site prior to fulfilling the service obligation.

(2) A physician or physician assistant practicing in primary care shall be in breach of their promissory note and service obligation agreement if they do not begin their service obligation at an eligible practice site within 3 months of the close of the fiscal year in which the promissory note and service obligation agreement is executed.

(3) A medical resident who has completed primary care training shall be in breach of their promissory note and service obligation agreement if they do not begin their service obligation at an eligible practice site at the beginning of the next obligation cycle.

B. Penalties.

(1) A recipient who breaches their promissory note and service obligation agreement with OSFA is subject to a financial penalty equal to the sum of the following:

(a) The total amounts paid to, or on behalf of, the recipient for loan repayments for any period of obligated service not served;

(b) An amount equal to the number of months of obligated service not completed multiplied by \$7,500; and

(c) Interest on the above amounts at the maximum legal prevailing rate, as determined by the Treasurer of the United States, from the date of breach.

(2) The total amount that OSFA is entitled to recover as a penalty shall not be less than \$31,000.

(3) In addition to the penalty amount imposed under paragraphs (1) and (2) of this section, a recipient who breaches their promissory note and service obligation agreement with OSFA shall be liable for all costs, fees, and expenses of collection, including attorney's fees, as prescribed by State law or regulation.

C. Collection.

(1) Amounts not paid within 1 year of the breach of the promissory note and service obligation agreement may be subject to garnishment of wages, deductions in Medicaid payments, or other collection methods.

(2) The OSFA shall report a recipient who fails to pay a financial penalty within 1 year to the Board of Maryland Physician Quality Assurance, which may subject a recipient to disciplinary action as a result.

(3) A recipient's financial obligation to pay a penalty assessed under this Regulation may not be released by discharge of bankruptcy under Title 11 of the United States Code.

.11 CANCELLATION, WAIVER, SUSPENSION, AND DEFERMENT OF SERVICE OBLIGATION.

A. Any service or payment obligation incurred by a recipient is cancelled upon the recipient's death.

B. The OSFA may waive or suspend for up to 1 year a recipient's service or payment obligation if, in the opinion of the Director of OSFA, compliance by the recipient with the terms and conditions of their service obligation agreement is impossible or would involve extreme hardship.

C. For MLARP Recipients that are not SLRP recipients, OSFA may consider deferment of the recipient's obligation in the following circumstances:

- (1) Military service for a period not to exceed 3 years;
- (2) Extended illness verified by a physician;
- (3) Extenuating family circumstances to be decided on a case-by-case basis at the sole discretion of the Director of OSFA; and
- (4) Maternity/paternity leave not to exceed 6 months.

.12 CHANGE OF PRACTICE SITE.

A. If, after serving at an eligible practice site for 1 year, the recipient and practice site determine that a separation is in order, OSFA may consider reassignment of the recipient to another eligible practice site.

B. If the eligible practice site at which the recipient is providing medical services experiences a loss of funds or other circumstance that can no longer support employment of the recipient, the recipient is obligated to find new employment, and notify OSFA that they have been reassigned to the eligible practice site.

.13 FUNDING.

A. Unspent program funds may not be transferred to or revert to the General Fund of the State.

B. Unspent program funds shall remain in the program and be used for MLARP awards.

Title 13B

MARYLAND HIGHER EDUCATION COMMISSION

Subtitle 08 FINANCIAL AID

Chapter 14 Workforce Shortage Student Assistance Grant Program

Authority: Education Article, §§11-105(u), 18-204(c) and 18-708; Annotated Code of Maryland

.01 Purpose.

The purpose of the Workforce Shortage Student Assistance Grant Program is to help meet the State's need for well trained and highly skilled workers in shortage areas. Students who perform well academically and agree to use their training in eligible programs may qualify for scholarship assistance.

.02 Eligibility.

A recipient of assistance under this program shall:

A. Be a Maryland resident (if the recipient is a dependent student, the parent(s) claiming the student as dependent shall be a Maryland resident as well);

B. Sign a letter of intent to enroll at a 2-year or 4-year Maryland college or university as a full-time (12 or more credits per semester) or part-time (6-11 credits per semester) degree seeking undergraduate student, or a full-time (9 or more credits per semester) or part-time (6-8 credits per semester) degree seeking graduate student. Audited courses cannot be used to reach the minimum credit hours for full-time or part-time status. A student may be enrolled for less than part-time credits during a semester as long as the student earns at least 12 undergraduate or 9 graduate credit hours in each academic year in which the student receives assistance, including summer sessions;

C. Enroll in an eligible major as specified in Regulation .08 of this Chapter; and

D. After completing studies in an eligible program, perform the service obligation as specified for each field in which there is a critical shortage.

.03 Award Amount.

A. Grants shall be awarded in accordance with the minimum and maximum award ranges specified in this Regulation.

B. In this Regulation, "cost of attendance" (COA) means the annual expenses of a full-time resident undergraduate at the 4-year public institution of higher education within the University System of Maryland with the highest annual expense for a full-time resident undergraduate as determined by the Maryland Higher Education Commission, other than the University of Maryland University College and University of Maryland, Baltimore.

C. The minimum and maximum award ranges are:

Enrollment	Community College Award Range	4-Year Institution Award Range
Full-time	\$2,000 to 25% of COA	\$4,000 to 50% of COA
Part-Time	\$1,000 to 12.5% of COA	\$2,000 to 25% of COA

D. The Office of Student Financial Assistance (OSFA) shall establish the award amount annually when program funding and the number of demand occupations to be incorporated into the program are known.

E. If a student takes courses over a summer session to meet the minimum number of credit hours for full- or part-time status, the award amount shall be divided equally between the fall, spring, and summer sessions, as appropriate.

F. A student who is enrolled in an academic program that includes mandatory summer sessions as part of the approved curriculum may receive an additional award not to exceed \$1,000 per calendar year, if funds are available. A student must apply for summer funding in writing by April 1 of that academic year.

G. The grant award may be used at any eligible institution for educational expenses as defined by OSFA, including tuition, mandatory fees, and room and board

.04 Advisory Council on Workforce Shortage.

A. The Secretary of Higher Education shall appoint an Advisory Council on Workforce Shortage (Advisory Council) to identify and recommend workforce shortage fields to be included in the Workforce Shortage Student Assistance Grant Program.

B. The Advisory Council shall meet as necessary to make recommendations on the occupations to be included in the program.

C. At a minimum, the Advisory Council shall make recommendations every 2 years on the occupations to be included.

D. In establishing recommendations, the Advisory Council shall take into consideration whether the occupation provides a public good or benefit to the citizens of Maryland. "Public Good or Benefit" means service to low-income or underserved residents or areas of the State in an occupation in the public sector or in an organization, institution, association, society, or corporation that is exempt from taxation under §501(c)(3) or (4) of the Internal Revenue Code of 1986.

E. The Advisory Council's recommendations shall be submitted to the Office of Student Financial Assistance (OSFA) for approval.

F. The Department of Labor, Licensing, and Regulation shall provide data and analysis on demand occupations and supply to be used by the Advisory Council.

G. The OSFA shall allocate funds for each specific demand occupation within the program based on the level of critical need. Renewals will also be considered when determining allocations.

H. Majors and occupational areas associated with the scholarship and tuition assistance programs listed below are included in the Workforce Shortage Student Assistance Grant Program:

- (1) Hattie N. Harrison Memorial Scholarship;
- (2) Ida G. and Leonard Ruben Scholarship;
- (3) Ruth M. Kirk Social Work Scholarship;
- (4) Physical and Occupational Therapists and Assistants Scholarship;
- (5) Sharon Christa McAuliffe Memorial Teacher Education Award;
- (6) Nursing Scholarship and Living Expenses Grant;
- (7) William Donald Schaefer Scholarship; and
- (8) Parren J. Mitchell Public Service Scholarship.

.05 Allocation of Funds.

A. A specified amount of funds shall be allocated each year to each eligible occupational areas based on critical need as determined by the Advisory Council on Workforce Shortage. These funds shall be used to make awards to students majoring in specific programs leading to employment in these occupational areas.

B. As funding permits, the intent of the program is to incrementally address waiting lists for those occupations already incorporated into the grant program while new occupations are being included. In addition, a balanced approach should be implemented to ensure the programs address demand in all occupations, including those currently in the program as well as public good and economic development occupations.

C. As the Workforce Shortage Student Assistance Grant Program expands, the determination of occupation allocations should consider the:

- (1) Gap analysis resulting from the workforce model;
- (2) Number of applications;
- (3) Number of awards made in each eligible occupation; and
- (4) Number of students placed on a waiting list.

.06 Application Procedures.

A. To be considered for the Workforce Shortage Student Assistance Grant Program, an applicant shall submit:

- (1) A completed application;
- (2) An official transcript from each institution the applicant has attended;
- (3) If the applicant has earned less than 12 college level credits, an official high school transcript;
- (4) If applying as a nursing major, proof of acceptance into a nursing program at the institution; and
- (5) Any additional documentation that may be required based on the applicant's major.

B. Although the Free Application for Federal Student Aid (FAFSA) is not required, applicants are strongly encouraged to complete the FAFSA.

C. An applicant shall complete and submit all required documents by July 1.

D. Each applicant shall agree to provide any information or documentation requested by the Office of Student Financial Assistance (OSFA) for the purpose of administering this program and, if requested, shall sign an authorization for the release of information to OFSA for the purpose of administering this program. The applicant's failure or refusal to provide requested information or a signed release may result in a determination of ineligibility, revocation of an award, denial of service credit, imposition of repayment obligations, or denial of a deferment or waiver request.

.07 Selection of Recipients.

A. Grant awards shall be issued using both merit and need-based criteria.

B. Applicants shall be ranked by grade point average (GPA) and then by need within each occupational field. Students with the greatest need within each GPA range shall receive awards first.

C. The following GPA ranges shall be used:

- (1) GPA 3.8 to GPA 4.0;
- (2) GPA 3.6 to GPA 3.79;
- (3) GPA 3.4 to GPA 3.59;
- (4) GPA 3.0 to GPA 3.39; and
- (5) GPA 2.9 and below.

D. Merit Ranking

- (1) Transcripts shall be required to determine a student's merit ranking.
- (2) A minimum GPA will not be required to determine a student's eligibility, because the appropriate GPA level could vary by major.
- (3) The GPA ranking of students shall be based on each student's cumulative, un-weighted GPA on a standardized 4.0 scale.
- (4) High school transcripts shall be used to calculate the GPA for entering freshman and students that have completed less than 12 college credits. Undergraduate level college transcripts shall be used for students who have completed more than 12 college credits as an undergraduate student and less than 12 college credits as a graduate student. Graduate level transcripts shall be used for students who have completed more than 12 graduate level credits.

E. Need Ranking

- (1) In determining the award order, students within each GPA range with the greatest need shall be given the highest priority.
- (2) A student's need ranking shall be based on their Free Application for Federal Student Aid (FAFSA).
- (3) Except for the William Donald Schaefer Scholarship, it is not mandatory that students complete a FAFSA to be eligible to receive an award. If a student chooses not to file a FAFSA, it will be assumed that the student has no need and will be placed at the bottom of each GPA range to be considered for an award.

.08 Eligible Majors.

A. The Advisory Council on Workforce Shortage shall identify eligible majors and occupational fields biennially based on statewide workforce shortages.

B. Eligible majors are grouped by service areas that correspond with the service areas in Regulation .11 of this Chapter.

C. The eligible majors by service area are:

- (1) **Service Area A**, the Hattie M. Harrison Scholarship:
 - (a) Child Development; and
 - (b) Early Childhood Education
- (2) **Service Area B**, the Ida G. and Leonard Ruben Scholarship:
 - (a) Human Services Degree Programs:
 - (i) aging services;
 - (ii) counseling;
 - (iii) disability services;
 - (iv) mental health;
 - (v) nursing;
 - (vi) occupational therapy;
 - (vii) physical therapy;
 - (viii) psychology;
 - (ix) rehabilitation;
 - (x) special education;
 - (xi) supported employment; and
 - (xii) vocational rehabilitation; and
 - (b) Any other concentration in the healing arts or in programs providing support services to individuals with special needs including:
 - (i) child welfare and juvenile justice; and
 - (ii) the alcohol and drug workforce.
- (3) **Service Area C**, the Sharon Christa McAuliffe Scholarship
 - (a) Approved teacher education programs leading to certification in a critical shortage field, including:
 - (i) chemistry (grades 7-12);
 - (ii) computer science (grades 7-12);
 - (iii) dance;
 - (iv) earth/space science (grades 7-12);
 - (v) English for speakers of other languages (ESOL) (Pre-K-12);
 - (vi) health occupations (grades 7-12);
 - (vii) Latin (grades 7-12);
 - (viii) mathematics (grades 7-12);
 - (ix) physical science (grades 7-12);

- (x) physics (grades 7-12);
- (xi) reading specialist;
- (xii) Spanish (grades 7-12);
- (xiii) special education, generic: infant/primary (birth-grade 3);
- (xiv) special education, generic: elementary/middle (grades 1-8);
- (xv) special education, generic: secondary/adult (grades 6-adult);
- (xvi) special education - hearing impaired;
- (xvii) special education - severely & profoundly disabled;
- (xviii) special education - visually impaired;
- (xix) speech language pathology (educational service area); and
- (xx) technology education (grades 7-12).

(b) Elementary education is not a critical shortage field.

(4) Service Area D:

- (a) Physical Therapy;
- (b) Physical Therapy Assistant;
- (c) Occupational Therapy; and
- (d) Occupational Therapy Assistant

(5) Service Area E, the William Donald Schaefer Scholarship:

Law - Designed to prepare individuals to provide legal services to low-income residents in the State.

(6) Service Area F, the Ruth M. Kirk Public Social Work Scholarship:
Social Workers.

(7) Service Area G, the Parren J. Mitchell Public Service Scholarship—Nursing and Other:

(a) Recipients shall be graduates of nursing programs and other majors designed to prepare individuals for careers in public service.

(b) Recipients shall be employed in a public or nonprofit sector under §§501(c)(3) or (4) of the Internal Revenue Code of 1986 in service areas where there is a shortage of qualified practitioners for low-income or underserved residents or areas of the State.

.09 Payment.

Each semester, eligible institutions shall certify on billing rosters provided by the Office of Student Financial Assistance that the recipient is:

- A. A Maryland resident;
- B. Enrolled for the required number of credits;
- C. Enrolled in an eligible academic program;
- D. Making satisfactory academic progress towards a degree; and
- E. Maintaining the standards of the institution.

.10 Renewal and Continuation.

A. The award shall be automatically renewed on an annual basis up to a maximum of 5 years if the student continues to meet all of the eligibility requirements and meet the satisfactory academic progress standards of the institution.

B. The award may not be renewed if the original award was canceled because the recipient took an ineligible number of credits per semester or because of the student's failure to maintain satisfactory academic progress.

C. A recipient who is academically ineligible shall forfeit the award for 1 academic year. The award may be reinstated, if funds are available, for the following academic year upon proof of meeting institutional standards.

D. A student transferring from one institution to another may continue to receive an award as long as the student meets all of the eligibility requirements.

E. A renewal student wishing to continue receiving the award for an advanced degree shall contact the Office of Student Financial Assistance in order to determine if they are eligible for the award.

F. A grant recipient in a workforce shortage field that is removed from the grant program may continue to receive renewal awards under the program.

.11 Service Obligation.

A. Applicants offered an award shall sign and return a promissory note agreeing to begin fulfillment of the service obligation in the area/field for which the award was received within 1 year of completing the degree for which they received assistance.

B. The service obligation begins after completion of the degree program and may not be fulfilled prior to completion.

C. If a recipient holds a Workforce Shortage Student Assistance Grant with any other State award requiring a service obligation, the obligations shall be served in consecutive years.

D. If a recipient works full-time, the service obligation shall be fulfilled at a rate of 1 year for each year that the award was received, even if the student was enrolled on a part-time basis for some of the semesters.

E. If a recipient works part-time, the obligation shall be fulfilled at a rate of 2 years for each year the scholarship was received, even if the student was enrolled on a part-time basis.

F. Full-time employment is considered to be at least 35 hours per week and part-time employment is at least 20 hours per week.

G. If a student receives a degree in a major that falls into more than one specified service area, the student may fulfill the service obligation in either area.

H. Repayment shall be made to the State within 6 years after the repayment period begins and shall follow a repayment schedule established by the Office of Student Financial Assistance.

I. Eligible employment for each service area is:

(1) Service Area A:

The recipient shall be employed in the State of Maryland as a director or senior staff member in a licensed Maryland childcare center or as a licensed family day care provider in Maryland. The recipient may not work as an elementary school teacher to fulfil this obligation.

(2) Service Areas B:

(a) The recipient shall be employed in a Maryland community-based program that is:

(i) licensed by the Developmental Disabilities Administration;

(ii) approved by the Mental Hygiene Administration; or

(iii) certified by the Office of Health Care Quality;

(b) The recipient shall be employed in a residential program that is licensed by the Department of Human Resources or the Department of Juvenile Justice;

(c) The recipient shall be a direct service employee or provide first-line supervision of employees who provide habilitation, rehabilitation, residential, or related community support services to individuals:

(i) with developmental disabilities;

(ii) with mental health disorders; or

(iii) who are dependent on alcohol or drugs;

(d) The recipient shall be a direct service employee or provide first-line supervision of employees who serve children in:

(i) the custody of a local Department of Social Services; or

(ii) any residential childcare program licensed by the Department of Human Resources or the Department of Juvenile Justice;

(e) The recipient shall be employed by a State or local government entity in Maryland as a direct care service employee or provide first-line supervision of employees who provide habilitation, rehabilitation, residential, or related community support services to individuals:

(i) with developmental disabilities;

(ii) with mental health disorders; or

(iii) who are dependent on alcohol or drugs; or

(f) The recipient shall be employed by a State or local government entity in Maryland as a direct care service employee or provide first-line supervision of employees who serve children in the custody of a local residential childcare program.

(3) Service Area C:

(a) The recipient shall become a certified teacher in Maryland:

(i) in the certification area applied for and awarded, and be employed in a Maryland public or private elementary or secondary school as a teacher in that area; or

(ii) in any teaching field if the individual commits to working in a Title I school or a school designated for improvement.

(b) The Office of Student Financial Assistance shall forgive a teacher recipient of a Workforce Shortage Student Assistant Grant for their service obligation for up to 2 years if the recipient has failed the teacher certification examination, approved by the Maryland State Board of Education, in 2 consecutive years and the recipient fails to pass the teacher certification examination within the time period specified by the Office of Student Financial Assistance.

(4) Service Area D:

(a) The recipient shall be employed as a therapist or therapy assistant to children with disabilities in a public school in Maryland;

(b) The recipient shall be employed as a therapist or therapy assistant to children with disabilities placed in an approved non-public education program; or

(c) The recipient shall be employed as a therapist or therapy assistant to provide physical or occupational therapy in a State therapeutic hospital determined by the Secretary of Health and Mental Hygiene to have a severe shortage of physical or occupational therapists.

(5) Service Area E:

(a) The recipient shall be engaged in eligible employment in Maryland in public service to assist in providing legal services to low-income residents in the State.

(b) Eligible employment is defined as employment in government at any level, public interest organization, public school, or nonprofit organization under §§501(c)(3) or (4) of the Internal Revenue Code of 1986.

(6) Service Area F:

The recipient shall be employed as a social worker in the public or nonprofit sectors under §§501(c)(3) or (4) of the Internal Revenue Code of 1986 in which there is a shortage of qualified practitioners for low-income or underserved residents or areas of the State.

(7) Service Area G:

(a) The recipient shall be employed as:

(i) A nurse in a Maryland licensed hospital, adult day care center, nursing home, public health agency, home health agency, an eligible institution of postsecondary education that awards nursing degrees or diplomas, or another organization authorized by the Secretary of Health and Mental Hygiene; or

(ii) A nurse in the public or nonprofit sectors under §§501(c)(3) or (4) of the Internal Revenue Code of 1986 in which there is a shortage of qualified practitioners to low-income or underserved residents or areas of the State.

.12 Repayment.

A. If a recipient fails to meet the required obligations under the Workforce Shortage Student Assistance Grant Program, the recipient shall repay the State the portion of the scholarship not forgiven.

B. Interest on the funds advanced shall be charged at an interest rate equal to the interest rate established by the United States Department of Education for the Federal Stafford Loan on the first day of July of each year.

C. Interest may not accrue prior to notification to the Office of Student Financial Assistance (OSFA) of a recipient's graduation or termination from an institution of higher education.

D. Repayment may be prorated if the recipient partially fulfills their obligation.

E. The OSFA shall waive the repayment of a grant award at a rate of:

(1) 1 year for each year that the recipient performs the service obligation on a full-time basis; or

(2) 6 months for each year that the recipient performs the service obligation on a part-time basis.

F. Except as otherwise provided in this Regulation, repayment shall be made to the State within 6 years after the repayment period begins and shall follow a repayment schedule established by OSFA.

.13 Deferment of the Service Obligation and Repayment.

A. Recipients shall seek eligible employment aggressively within a 60 mile radius of their residence.

B. A recipient may request that their service obligation be deferred during the time the recipient is:

(1) Enrolled in a full-time (12 or more credits per semester) or part-time (6-11 credits per semester) undergraduate course of study, or a full-time (9 or more credits per semester) or part-time (6-8 credits per semester) graduate course of study at an institution of higher education in a degree granting program;

(2) On a temporary leave of absence approved by the employer from employment in the required employment field for a period not to exceed 12 months;

(3) Temporarily disabled in a manner that substantially impairs the recipient's ability to perform the service obligation, for a period not to exceed 3 years;

(4) Unable to secure employment for a period not to exceed 12 months by reason of the care required for a spouse or child who is disabled;

(5) Assigned military duty outside of the State, not to exceed 3 years without filing an appeal;

(6) Married to a spouse assigned military duty outside of the State, not to exceed 3 years without filing an appeal; or

(7) Aggressively seeking and unable to secure employment, as required in §A of this Regulation, for a single period not to exceed 12 months.

C. A recipient's deferment request shall include satisfactory supporting documentation. Such documentation shall consist of the following, as appropriate:

(1) Certification by the office of the registrar that the recipient has returned to a full-time or part-time course of study at an eligible institution of higher education;

(2) Certification by the employer that the recipient is on a temporary approved leave of absence;

(3) A sworn affidavit by a qualified physician that the recipient is temporarily disabled in a manner that substantially impairs the recipient's ability to perform the service obligation;

(4) A sworn affidavit by a qualified physician that the recipient is unable to find employment because they must care for a spouse or child who is disabled;

(5) A certified statement including a list of possible eligible employers, including their addresses and telephone numbers, to which application has been made if the recipient has been unable to find full-time employment as required; or

(6) A copy of military orders.

D. The Office of Student Financial Assistance (OSFA) shall review all documentation and determine if the deferment conditions have been met and, if so, determine the deferment period.

E. Before a deferment based on an inability to find employment is granted, OSFA shall review the recipient's documentation and other available information and determine if the recipient has sought employment aggressively in all required areas of the State.

F. A recipient need not make scholarship repayments and interest does not accrue during the period of an approved deferment.

G. The OSFA shall, on a case-by-case basis, review appeals from individuals assigned military duty outside the State, and from the spouse of an individual assigned military duty outside the State, that exceed the 3 year deferral limit. Appeals shall be in writing and include a copy of the military orders.

.14 Waiver of the Service Obligation and Repayment.

A. The Office of Student Financial Assistance (OSFA) shall waive a recipient's service and repayment obligations if it determines:

(1) On the basis of the sworn affidavit of 2 qualified physicians, that the recipient is physically unable to fulfill any of the possible service obligations on a full-time or part-time basis because of a permanent impairment; or

(2) On the basis of a death certificate or other evidence of death that is conclusive under State law that the recipient has died.

B. The OSFA shall forgive a recipient of a Workforce Shortage Student Assistance Grant, Service Area D, for up to 2 years of an award if:

(1) The recipient has taken the teacher certification examination, approved by the Maryland State Board of Education, in 2 consecutive years; and

(2) The recipient fails to pass the teacher certification examination within the time period specified by OSFA.

.15 Special Financial Circumstances Appeals.

A. A student may appeal if the student's financial circumstances change, after the filing of the student's application, as a result of one of the following:

(1) The student's parent(s) or spouse dies;

(2) The student or the student's parents divorce or separate;

(3) The student, student's parent (if dependent), or student's spouse (if independent) as defined by the Free Application for Federal Student Aid (FAFSA) becomes involuntarily unemployed for at least 10 consecutive weeks in the current year; or

(4) The student or the student's parent(s) loses, as a result of the student reaching the age of majority, benefits from Social Security, Temporary Assistance for Needy Families (TANF), or child support.

B. The student's appeal shall be supported by appropriate documentation sufficient to substantiate the student's claim including, but not limited to, copies of a:

(1) Death certificate;

(2) Divorce decree or separation agreement;

(3) Notice of job termination or layoff;

(4) Federal tax transcript or W-2; or

(5) Copy of a termination notice of unemployment benefits.

C. If the Office of Student Financial Assistance (OSFA) sustains a student's appeal, OSFA shall provide the following relief:

(1) If the appeal was based on the death of the student's parent(s) or spouse, OSFA shall adjust the student's FASFA income information to exclude the income of the deceased;

(2) If the appeal was based on the student or the student's parents' divorce or separation, OSFA shall adjust the student's FASFA income information to exclude the income of the affected parent or spouse;

(3) If the appeal was based on the student, student's parent (if dependent), or student's spouse (if independent) becoming involuntarily unemployed for at least 10 consecutive weeks in the current year, OSFA shall calculate the student's family contribution and total family income using an estimated income for the current calendar year; and

(4) If the appeal was based on the student or the student's parent(s) losing, as a result of the student reaching the age of majority, benefits from Social Security, TANF, or child support, OSFA shall calculate the student's family contribution and total family income using an estimated income for the current calendar year.



Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Anwer Hasan
Chairperson

James D. Fielder, Jr., Ph.D.
Secretary

MEMORANDUM

DATE: March 22, 2017

TO: Maryland Higher Education Commission

FROM: Donna Thomas, Director of Student Financial Assistance

SUBJECT: Final Adoption of COMAR Regulations 13B.08.13 – Edward T. and Mary A. Conroy Memorial Scholarship Program and Jean B. Cryor Memorial Scholarship Program

The Commission previously approved the publication of proposed regulations 13B.08.13 to implement the Edward T. and Mary A. Conroy Memorial Scholarship Program and Jean B. Cryor Memorial Scholarship Program. The purpose of the Edward T. and Mary A. Conroy Memorial Scholarship Program and Jean B. Cryor Memorial Scholarship Program is to provide financial assistance to certain individuals due to their eligible military or public safety service or due to their eligible family or marital relationship to such an individual; and eligible children and surviving spouses of school employees who, as a victim in an act of violence occurring in the line of duty, either died or sustained an injury that rendered the school employee 100 percent disabled.

The Commission's proposed regulations were published in the *Maryland Register* on April 15, 2016. No comments were received to the revised proposed regulations. Staff now recommends that the Commission approved the Edward T. and Mary A. Conroy Memorial Scholarship Program and Jean B. Cryor Memorial Scholarship Program.

RECOMMENDATION: It is recommended that the Maryland Higher Education Commission adopt for final approval regulations 13B.08.13, concerning the Edward T. and Mary A. Conroy Memorial Scholarship Program and Jean B. Cryor Memorial Scholarship Program, as attached.

Title 13B
MARYLAND HIGHER EDUCATION COMMISSION
Subtitle 08 FINANCIAL AID

13B.08.13 Edward T. and Mary A. Conroy Memorial Scholarship Program and Jean B. Cryor Memorial Scholarship Program

Authority: Education Article, §§11-105(u), 18-204(c), and 18-601, Annotated Code of Maryland

Notice of Proposed Action

[16-087-P]

The Maryland Higher Education Commission proposes to adopt new Regulations **.01— .10** under a new chapter, **COMAR 13B.08.13 Edward T. and Mary A. Conroy Memorial Scholarship Program and Jean B. Cryor Memorial Scholarship Program**. This action was considered at a public meeting held on October 28, 2015.

Statement of Purpose

The purpose of this action is to adopt regulations to implement the Edward T. and Mary A. Conroy Memorial Scholarship Program and Jean B. Cryor Memorial Scholarship Program.

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 Donna Thomas, Director, Office of Student Financial Assistance, Maryland Higher Education Commission, 6 N. Liberty St, 10th Floor, Baltimore, MD 21201, or call 410-767-3109, or email to donnae.thomas@maryland.gov, or fax to 410-332-0270. Comments will be accepted through May 16, 2016. A public hearing has not been scheduled.

.01 Purpose.

A. *The purpose of the Edward T. and Mary A. Conroy Memorial Scholarship Program is to provide student financial assistance to certain individuals due to their eligible military or public safety service or due to their eligible family or marital relationship to such an individual.*

B. *The purpose of the Jean B. Cryor Memorial Scholarship Program is to provide student financial assistance to eligible children and surviving spouses of school employees who, as a victim in an act of violence occurring in the line of duty, either died or sustained an injury that rendered the school employee 100 percent disabled.*

.02 Definitions.

A. *In this chapter, the following terms have the meaning indicated.*

B. *“Child” means a son, daughter, stepson, or stepdaughter.*

C. *“Conroy-Cryor scholarship” means the Edward T. and Mary A. Conroy Memorial Scholarship Program and the Jean B. Cryor Memorial Scholarship Program administered under this chapter.*

D. *“Disabled public safety employee” means a State or local public safety employee who sustains an injury in the line of duty that:*

(1) *Precludes the individual from continuing to serve or be employed as a State or local public safety employee; and*

(2) *In the case of a volunteer member of a fire department, ambulance, or rescue squad or company, precludes the member from continuing to be employed in the nonpublic safety occupation in which the member was engaged at the time of injury.*

E. *“OSFA” means the Office of Student Financial Assistance within the Maryland Higher Education Commission.*

F. *“School employee” includes an employee of a public or nonpublic school in the State.*

G. *“Service connected” means with respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in the line of duty in the active military.*

H. *“State or local public safety employee” means a person who is a:*

(1) *Career or volunteer member of a fire department, ambulance, or rescue squad or company;*

(2) *Law enforcement officer;*

(3) *Correctional officer; or*

(4) *Member of the Maryland National Guard who was a resident of this State at the time of death.*

I. *“Surviving spouse” means a person who has not remarried.*

J. *“Victim of the September 11, 2001 terrorist attacks” means a Maryland resident who was killed as a result of the attacks on the World Trade Center in New York City, the attack on the Pentagon in Virginia, or the crash of United Airlines flight #93 in Pennsylvania on September 11, 2001.*

.03 Eligibility.

To be eligible for a Conroy-Cryor scholarship, an individual shall:

A. *Be a resident of Maryland at the time of the application or have been a resident of Maryland when an event described in §C of this regulation occurred;*

B. *Be accepted for admission or enrolled in the regular undergraduate, graduate, or professional program at a Maryland postsecondary institution, or in a 2-year terminal certificate program in which the course work is acceptable for transfer credit for an accredited baccalaureate program in an eligible institution; and*

C. *Qualify under at least one of the following conditions:*

(1) *Be at least 16 years old and the child of a member of the armed forces who:*

(a) *Died as a result of military service after December 7, 1941;*

(b) *Suffered a service connected 100 percent permanent disability after December 7, 1942; or*

(c) *Was declared to be a prisoner of war or missing in action, if that occurred on or after January 1, 1960, as a result of the Vietnam conflict, and if the child was born prior to or while the parent was a prisoner of war or missing in action;*

(2) *Be a prisoner of war or missing in action, if that occurred on or after January 1, 1960, as a result of the Vietnam conflict, and a resident of this State at the time the person was declared to be a prisoner of war or missing in action;*

(3) *Be either:*

(a) *At least 16 years old and the child of any State or local public safety employee killed in the line of duty; or*

(b) *The surviving spouse of any State or local public safety employee killed in the line of duty;*

(4) *Be either:*

(a) *A disabled public safety employee;*

(b) *At least 16 years old and the child of a disabled public safety employee who sustains an injury in the line of duty that renders the public safety employee 100 percent disabled; or*

(c) *The surviving spouse of a disabled public safety employee who sustains an injury in the line of duty that renders the public safety employee 100 percent disabled;*

(5) *Be a veteran, as defined under State Government Article, §9-901, Annotated Code of Maryland, who:*

(a) *Suffers a service connected disability of 25 percent or greater; and*

(b) *Has exhausted or is no longer eligible for federal veterans' educational benefits;*

(6) Be the surviving spouse of a member of the armed forces who suffered a service connected 100 percent permanent disability;

(7) Be at least 16 years old and the child of or the surviving spouse of a victim of the September 11, 2001, terrorist attacks;

(8) Be at least 16 years old and the child of a school employee who, as a result of an act of violence:

(a) Died in the line of duty; or

(b) Sustained an injury in the line of duty that rendered the school employee 100 percent disabled; or

(9) Be the surviving spouse of a school employee who, as a result of an act of violence:

(a) Died in the line of duty; or

(b) Sustained an injury in the line of duty that rendered the school employee 100 percent disabled.

.04 Award Amount.

A. The annual Conroy-Cryor award may not exceed the equivalent annual tuition and mandatory fees of a resident undergraduate at a 4-year public institution of higher education within the University System of Maryland, other than the University of Maryland University College and the University of Maryland, Baltimore, with the highest annual expenses for a full-time resident undergraduate.

B. An annual Conroy-Cryor award may not be less than the lesser of:

(1) \$3,000; or

(2) The equivalent annual tuition and mandatory fees of a resident of the institution attended by the recipient.

C. Awards to a child or spouse of a victim of the September 11, 2001 terrorist attacks may not exceed the amount specified in §A of this regulation when combined with any other scholarship received by the student based on the student's status as a child or spouse of a victim of the September 11, 2001 terrorist attacks.

D. A Conroy-Cryor award may be used for tuition and mandatory fees at any eligible institution.

.05 Application Procedures.

A. An interested individual may apply for a Conroy-Cryor scholarship by submitting an application to their institution of interest containing:

(1) A completed Conroy-Cryor scholarship application form;

(2) If the applicant is a son or daughter, a birth certificate showing the names of both parents;

(3) If the applicant is a stepson or stepdaughter:

(a) A birth certificate showing the names of both parents; and

(b) A marriage certificate showing the name of applicant's parent and spouse;

(4) If the applicant is a spouse, a marriage certificate; and

(5) Official verification from:

(a) If the applicant's parent or spouse was killed, or suffered a service connected 100 percent permanent disability as a result of military service or is a prisoner of war or missing in action, the United States Veterans Administration;

(b) If the applicant is a veteran who suffers a service connected disability of 25 percent or greater, and who has exhausted or is no longer eligible for federal veteran's educational benefits, the United States Veterans Administration;

(c) If the applicant's spouse or parent was killed in the line of duty, the applicable State or local public safety personnel office;

(d) If the applicant or applicant's spouse or parent is a disabled public safety employee who sustained an injury in the line of duty that renders the public safety employee 100 percent disabled the applicable State or local public safety personnel office;

(e) If the disability was a result of service while the applicant was a volunteer member of a fire department, ambulance, or rescue squad or company, the nonpublic safety employer and the local public safety personnel office;

(f) A physician, in the form of a death certificate identifying the deceased and certifying the date, location and cause of death to have been as a result of the attacks on the World Trade Center, the Pentagon, or the crash of United Airlines Flight #93 on September 11, 2001; or

(g) For the Jean B. Cryor Memorial Scholarship, a physician, in the form of:

(i) A copy of a death certificate identifying the deceased and certifying the date, location, and cause of death to have occurred in the line of duty; or

(ii) A statement certifying that the parent or spouse of the applicant, as applicable, has a 100 percent disability as a result of an injury sustained in the line of duty.

B. Eligible institutions shall make Conroy-Cryor scholarship forms available to interested individuals at their financial aid offices.

C. Institutions shall promote the Conroy-Cryor program.

D. Institutions shall accept all Conroy-Cryor scholarship applicants and determine the eligibility of applicants.

E. The Conroy-Cryor scholarship application deadline for new applicants is July 15.

F. Each applicant shall agree to provide any information or documentation requested by OSFA for the purpose of administering this program and, if requested, shall sign an authorization for the release of information to OFSA for the

purpose of administering this program. The applicant's failure or refusal to provide requested information or a signed release may result in a determination of ineligibility or the revocation of an award.

.06 Awarding Procedures.

A. Applicants who are awarded a Conroy-Cryor scholarship shall be notified of the award in writing by the institution's financial aid office.

B. A Conroy-Cryor scholarship recipient shall provide the institution's financial aid office with a written acceptance of the award by the date specified by the institution.

C. No more than 15 Conroy-Cryor scholarships may be awarded annually to Veterans who suffer from a service connected disability of 25 percent or greater.

.07 Payment.

A. Institutions shall make the initial award disbursement on the eligible student's behalf.

B. The institution's financial aid office shall report to OSFA each October and February information as required by OSFA regarding eligible Conroy-Cryor scholarship recipients.

C. Upon receipt and acceptance of the institution's information, OSFA shall authorize Conroy-Cryor scholarship reimbursements to the institutions.

D. If sufficient funds are not appropriated for that award year to pay institutions for all eligible Conroy-Cryor scholarship recipients, funds from the following years' appropriations will be used first to satisfy unpaid scholarship balances from the prior year.

.08 Renewal And Continuation.

A. OSFA shall renew all eligible Conroy-Cryor scholarship recipients who were initially awarded prior to FY 2011 and shall continue to renew them until they complete their program of study or are otherwise no longer eligible for the award.

B. Institutions of higher education shall make Conroy-Cryor scholarship renewal awards to students who received their first award during FY 2011 or later.

C. A Conroy-Cryor scholarship may be renewed on an annual basis for up to 5 years of full-time study or 8 years of part-time study if the recipient:

- (1) Is enrolled on at least a part-time basis in an eligible Maryland postsecondary institution; and*
- (2) Continues to meet all other eligibility requirements.*

.09 Revocation Of Award.

A Conroy-Cryor scholarship award shall be revoked if:

A. The criteria in Regulation .07 or .08 of this chapter are not met;

B. The recipient makes any changes to name, address, or any other information pertinent to the Conroy-Cryor scholarship and fails to inform the financial aid office at their institution or other office designated by their institution to administer the program; or

C. The recipient otherwise fails to satisfy the eligibility criteria.

.10 Appeals.

A. Each eligible institution shall establish and publicize its appeal process for the Conroy-Cryor scholarship program.

B. An institution's appeal decision may not be appealed to OSFA in the Maryland Higher Education Commission.

JAMES D. FIELDER, JR., Ph.D.
Secretary of Higher Education



Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Anwer Hasan
Chairperson

James D. Fielder, Jr., Ph.D.
Secretary

Maryland Higher Education Commission 2017 Meeting Dates

The Maryland Higher Education Commission (MHEC) is Maryland's higher education coordinating board responsible for the management of statewide financial aid programs and the establishment of statewide policies for public and private colleges and career schools to support students' postsecondary pursuits.

Meeting Dates and Locations

January 25, 2017 Cancelled	June 28, 2017
February 13, 2017 *Please note date change*	September 27, 2017 9:30am to 3:30pm
March 22, 2017	October 25, 2017
April 26, 2017	November 15, 2017 *Please note date change*
May 24, 2017	December 13, 2017 *Please note date change*

All Commission Meetings will be held on the 4th Wednesday of Each Month from 1:00pm to 4:00pm at the Maryland Higher Education Commission in the 7th Floor Board Room located at 6 N. Liberty Street, Baltimore, MD 21201 unless otherwise noted.

Dates and Times Subject to Change

<http://www.mhec.state.md.us/higherEd/about/Meetings/mtgsched.asp>