SUBMISSION OF REGULATIONS

VIA

THE MARYLAND REGISTER

ELECTRONIC FILING SYSTEM
(ELF 2.0)

OVERVIEW

The regulations submission process comprises two main components: 1) the formatting of regulatory language in Microsoft Word; and 2) the completion of the electronic transmittal (ELF) forms. In general, the regulatory text is prepared in advance of filling out the ELF forms, and the formatted regulatory document is attached as a step of completing the form.

FORMATTING REGULATORY DOCUMENTS

Software
Use only Microsoft Word to prepare regulatory text, and save all documents with the **.docx extension**. Failure to do so may prevent proper transmission of the formatted text. The template provided in ELF (under Documents/Templates/Regulatory Proposal) contains all the styles necessary to format regulations; feel free to save it to the desktop for quicker access.

If images or PDF forms are to be included with the regulations, contact the Division of State Documents (DSD) for specific instructions. These situations will be handled on a case-by-case basis.

General Settings and Procedures
The following directives are intended to standardize documents for processing and reduce the number of formatting edits required of DSD staff:

- Do not use automatic numbering.
- If the track changes feature is enabled, all changes must be accepted and the feature must be turned off before the document is attached to the ELF filing.
- Do not use tabs, spaces, and returns (blank lines) to create formatting; the styles, once applied, impose appropriate spacing and tabulation.
- Do not use double spaces between sentences or between numeric designations and words.
- The name of a regulatory document should begin with the codification number—at least to the chapter level—of the regulations it contains. For example, if a document amends COMAR 10.09.01.06 and .07, the file might be named "10.09.01 Regulatory Text.doc."
- Do no use the paragraph styles (i.e., P1, P2, etc.) for text inside tables. Simply use the "normal" style no matter the codification.

Symbols
Use symbols whenever possible, except as noted in the Style Manual. Frequently used symbols include:
- Em dash (—)
- Section symbol (§)
- Degree (°)
- Minute (')
- Second (")
Symbols may be inserted via the Insert tab on the ribbon at the top of the document or by using previously assigned short cut keys.

Template

Clicking on the template file opens a blank Word document. The template provides access to the styles required for formatting regulatory text; it does not add content. The styles window can be accessed from the Home tab or by holding the Shift and Ctrl keys and typing S. If an action is amending regulations, existing text should be downloaded from the COMAR regulation text files under the Regulations menu in ELF 2.0 and formatted using the appropriate styles. (Keep an eye out for text marked "EMERGENCY ACTION IN EFFECT"; this notation indicates the COMAR text is only temporary.) If an action is adding new language, text may be copied from another source or typed from scratch in the document. The following styles should be applied as appropriate:

Title Heading <**TI**>:

Title 10
DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle Heading <**ST**>:

Subtitle 09 MEDICAL CARE PROGRAMS

Chapter Heading <**CH**>:

10.09.01 Nurse Practitioner Services

Authority Line <**AU**>:

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

Regulation Heading <**RT**>:

.03 Conditions for Participation.

Regulation Text:

<**P1**> Used for text that begins with A., A-1., A-2., B., C., etc.

A. The Department will make supplemental payments on Medicare claims subject to the following provisions:

<**P2**> Used for text that begins with (1), (2), (3), etc.

(1) Beginning with August 1, 2010 dates of service, and subject to the limitations of the State budget, coinsurance shall be paid:

<**P3**> Used for text that begins with (a), (b), (c), (aa), (bb), etc.

(a) In full for the following:

<**P4**> Used for text that begins with (i), (ii), (iii), etc.

(i) Mental health services;

Ignore all other available styles. If you need to copy, cut, or paste text to which styles have been applied, please use the keyboard commands Ctrl C, X, and V, rather than the right-click mouse menu, or you may lose the styles.

Formatting Used to Indicate Proposed Changes to Existing COMAR
All styles should be applied BEFORE additional formatting is inserted to indicate amendments to regulations. If styles are applied after the additional formatting described below, bolding and italics may be lost.

A. Use bold brackets to delete existing regulatory text as follows:

    1. Do not bracket parts of words.

DO NOT USE	**USE**
person[s]	[persons] *person*
[w]Within	[within] *Within*

    2. Treat references to codification as whole words.

DO NOT USE	**USE**
10.07.14.[06] *07*	[10.07.14.06] *10.07.14.07*
§12-104[(g)]*(h)*	[§12-104(g)] *§12-104(h)*

    3. Treat dollar amounts as whole words.

DO NOT USE	**USE**
$[700] *750*	[$700] *$750*

B. Use italics to indicate text that is being added to regulations. Do not use caps or underlining.

DO NOT USE	**USE**
(i) 100 percent of the COINSURANCE amount;	(i) 100 percent of the *coinsurance* amount;
(1) Completion of <u>forms and</u> reports;	(1) Completion of *forms and* reports;

C. Order of Brackets and Italics. When repealing existing text and replacing it with new language, bracket the text to be repealed first and then insert italicized language.

DO NOT USE	**USE**
A licensee *shall* [is required to]	A licensee [is required to] *shall*

D. Use of Text Unchanged. Use the notation "(text unchanged)" for whole codification levels without amendment. The notation always appears lowercase and within parentheses. Do not use a period at the end of the notation. If a subordinate level of codification is being amended, be sure to include the lead-in or tagline of the codification level above, even if the lead-in or tagline itself is without amendment.

DO NOT USE	**USE**
B. (text unchanged)	B. Terms Defined.
(1) (text unchanged)	(1) (text unchanged)
(2) "Board" means the *Hospital* Appeal Board.	(2) "Board" means the *Hospital* Appeal Board.
(3) (text unchanged)	(3) (text unchanged)
A.—C. (text unchanged)	A.—B. (text unchanged)
(1) (text unchanged)	C. An applicant shall submit:
(2) Verification of age [and ownership].	(1) (text unchanged)
	(2) Verification of age [and ownership].

Formatting Used to Indicate Changes at Final Action
Most proposals are adopted as published, but sometimes an agency will request to make **nonsubstantive** changes at the time of final action. When making changes at this stage, request a copy of the PUBLISHED proposed text from DSD. The text to which additional changes are made at final must contain all AELR and DSD edits made after the agency submitted the proposed text but before its publication; do not use the regulatory text that was submitted with the proposal. Make changes at final as follows:
- Show only those regulations that are being changed.
- Account for the entire affected regulation, using the notation "(proposed text unchanged)" as appropriate.
- Remove all text that was bracketed in the proposal, but retain all other formatting.
- Use the following formatting to distinguish changes made at final action from changes made at the time of proposal:
  - Roman type indicates text already existing at the time of the proposed action.
  - *Italic type* indicates new text added at the time of proposed action.
  - <u>*Single underline, italic*</u> indicates new text added at the time of final action.
  - <u>Single underline, roman</u> indicates existing text added at the time of final action.
  - [[Double brackets]] indicate text deleted at the time of final action.

Formatting Used to Indicate Changes in a Reproposal
If an agency must make **substantive** changes to regulatory language after proposal, the agency may choose to 1) withdraw the original proposal and submit a new proposal; or 2) build upon the original text and submit it as a reproposal. (In either case, the action would be resubmitted for a 16-day AELR review before it could be submitted to DSD for publication, so there is no time-saving benefit to reproposing instead of withdrawing and proposing anew.) When preparing a reproposal document (as when making changes at final), request a copy of the PUBLISHED (originally) proposed text from DSD.

Reproposals must account for the entire original proposal, i.e., all regulations that were originally proposed, using the notation "(originally proposed text unchanged)" as appropriate. Make changes in reproposals as follows:

- Show at least the regulation heading for all regulations touched in the original proposal.
- Remove all text that was bracketed in the proposal, but retain all other formatting.
- Use the following formatting to distinguish changes made in the reproposal from changes made in the original proposal:
    - Roman type indicates existing text of regulations.
    - *Italic* type indicates originally proposed new text.
    - ***Arial Bold Italic*** type indicates new text that substantively alters the text as originally proposed.
    - **[[[Triple brackets]]]** indicate text proposed for deletion that substantively alters the originally proposed text.

FILLING OUT ELF TRANSMITTAL FORMS

Learning Tools.
The developer of the ELF 2.0 system has provided several videos (under the Learn menu) instructing users how to submit the various document types. All new users are encouraged to watch these videos before submitting. In addition, there are informational popups in the action intake forms. Hover over the ⓘ symbols to see hints to help you complete the forms. ELF 2.0 does not yet provide access to a library similar to the library that was available in ELF 1.0, but several helpful documents are still available on the Maryland Register website.

DSD encourages all ELF users to make liberal use of the resources provided. If further assistance or clarification is required, feel free to reach out to us using the contact information below.

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SUBMITTING A PROPOSAL

When the proposed action forms have been completed and the regulatory document (if applicable) is attached, a user will have the option to submit the proposal. **Please note that the submission is sent first to AELR for a 15-day review period.** During this time, the submission appears in the user's inbox with the notation: "Under Review." On the 16th day after submission to AELR, the proposal becomes available to submit to DSD for publication in the Maryland Register, and the notation changes to: "Review Complete."

Submission to DSD for publication is a separate step and requires the user to open the ELF form and press the button that says "Send to DSD." Please consult DSD's Table of Closing Dates (https://dsd.maryland.gov/PDF/ClosingDates.pdf) for submission deadlines for each issue of the Maryland Register. **If an action is submitted to DSD beyond the deadline for its document type/issue date, the submission may be lost.**

SUBMITTING A FINAL

Forty-six days after the date a proposal was published in the Maryland Register, the proposing agency may adopt the regulations and publish a notice of final action in the Register. (To be sure your agency has waited the correct number of days, please consult DSD's Table of Pertinent Dates at https://dsd.maryland.gov/PDF/PertinentDates.pdf.) A user must create a final action in ELF by filling out the appropriate forms; the submission will not be automatically generated.

Unlike proposals, finals are not submitted to AELR for review. After completion of the final action form, when the user presses the button to submit the final, that document is sent directly to DSD for publication in the next available issue of the Maryland Register. Deadlines for publication of finals are also listed in the Table of Closing Dates linked above.
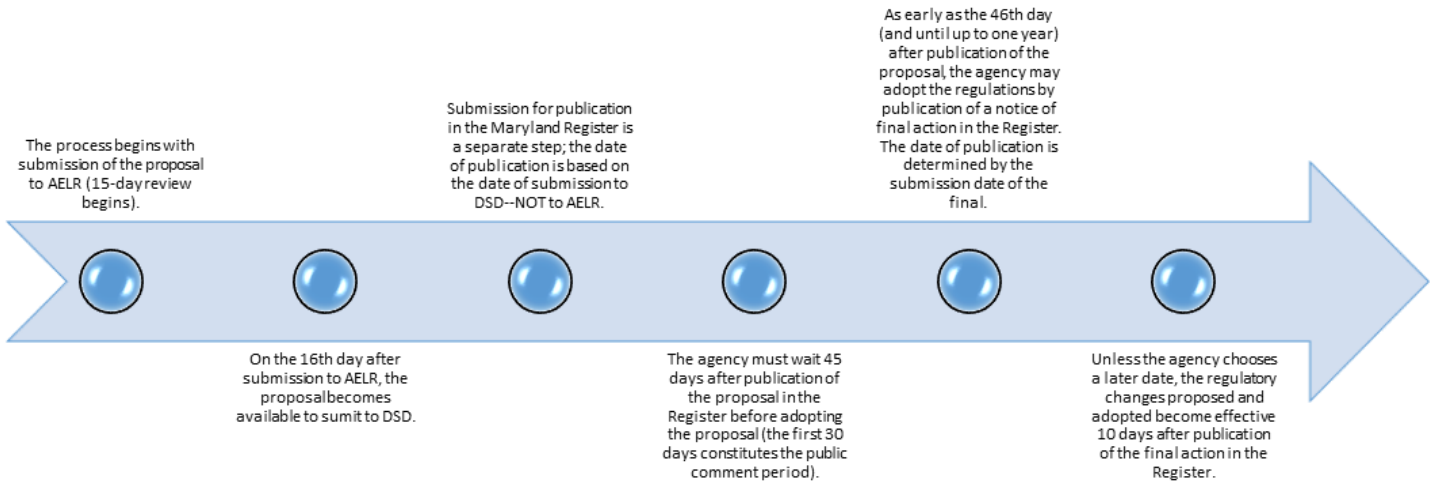
Please do not attach regulatory text to the ELF form unless you are making (nonsubstantive) changes at final. If you both choose to adopt "as proposed" and attach a document, the document will be ignored.

Unless the user chooses a later date when filling out the final action form, the regulatory changes being adopted in the final become effective 10 days after publication of the final action.

SPECIAL NOTE

Once an action has been submitted, the user may not change the form or any attachments in ELF (aside from the publishing date). If a change must be made to an action after submission, please email DSD as soon as possible. If the submission is a proposal or an emergency, copy AELR in any communication to DSD.

SUBMISSION PROCESS TIMELINE

The process begins with submission of the proposal to AELR (15-day review begins).

On the 16th day after submission to AELR, the proposal becomes available to sumit to DSD.

Submission for publication in the Maryland Register is a separate step; the date of publication is based on the date of submission to DSD--NOT to AELR.

The agency must wait 45 days after publication of the proposal in the Register before adopting the proposal (the first 30 days constitutes the public comment period).

As early as the 46th day (and until up to one year) after publication of the proposal, the agency may adopt the regulations by publication of a notice of final action in the Register. The date of publication is determined by the submission date of the final.

Unless the agency chooses a later date, the regulatory changes proposed and adopted become effective 10 days after publication of the final action in the Register.

REMINDERS AND CONSIDERATIONS

- If an entire regulation is being repealed, it is not necessary to include it in the regulatory document. The proposal paragraph statement suffices.

- All regulatory text must be styled using the required styles. If an attached document has not been properly formatted, the submitting agency will be asked to reformat. This could substantially delay the publication of an action.

- If a regulatory document has been attached to the ELF filing and later must be revised and reattached, the modified document must be renamed or the latest version will not overwrite the previous version. Once an action is submitted, however, the ELF form and attachments may not be altered.

- If a change must be made to an action after submission, please email DSD as soon as possible. If the submission is a proposal or an emergency, copy AELR in any communication to DSD.

- When drafting a final action with changes or a reproposal, request a copy of the PUBLISHED proposal text from DSD. Do not use the regulatory language that was originally submitted with the proposal.

- Proposals do not automatically move from AELR review to DSD for publication; submission to DSD is a separate step in the submission timeline.

- Agencies have one year from the date of publication in the Maryland Register to adopt proposals; if a proposal is not adopted within a year, it will be withdrawn by DSD via operation of law.

- Final actions are not automatically generated by the system; users must create and submit adoption notices via ELF. Do not attach regulatory text unless changes are being made at final.