



Nancy S. Grasmick
State Superintendent of Schools

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TO: Members of the State Board of Education
FROM: Nancy S. Grasmick *Nancy*
DATE: December 17-18, 2008
SUBJECT: COMAR 13A.11.01 Vocational Rehabilitation Services (AMEND)
COMAR 13A.11.02 Maryland Disability Employment Tax Credit
COMAR 13A.11.08 Workforce and Technology Center
ADOPTION

PURPOSE:

The purpose of this action is to request adoption of amendments to regulations under COMAR 13A.11.01 Vocational Rehabilitation Services, COMAR 13A.11.02 Maryland Disability Employment Tax Credit, and COMAR 13A.11.08 Workforce and Technology Center.

HISTORICAL BACKGROUND:

Amendments in Chapter .01, Vocational Rehabilitation Services have been proposed to: 1) update the Financial Participation Schedule used to determine financial participation of eligible individuals in cost of services, 2) extend the effective date of the Maryland Disability Employment Tax Credit, and 3) update the programs and services offered by the Workforce and Technology Center (WTC).

DORS has a financial need policy which requires that consumers who have the ability to pay contribute to the cost of certain rehabilitation services, unless the consumer is a recipient of Social Security disability benefits. The consumer's contribution is based on the Financial Participation Schedule, which is a sliding scale which takes into account family income and the number of dependents. It is based on the Poverty Guidelines published annually by the United States Department of Health and Human Services.

Amendments in Chapter .02, Maryland Disability Employment Tax Credit have been proposed consistent with legislation passed by the Maryland General Assembly in 2008 regarding extension of this tax credit for an additional year.



Amendments in Chapter 08, Workforce and Technology Center, reflect restructuring of the Center and resulting modifications in programs and services, as well as streamlining of processes to enhance access.

EXECUTIVE SUMMARY:

To comply with the Federal Regulations and the Rehabilitation Act Amendments of 1998 and to implement other technical changes and clarifications, revisions have been proposed in the following chapters:

Changes in Chapter 01, Vocational Rehabilitation Services

Regulation .13 Order of Selection

- A correction has been made to the references to the definitions of significant disability and most significant disability in Regulation .03B(16) and (17) respectively.

Regulation .15 Financial Participation Schedule.

- The Financial Participation Schedule has been updated based on 2008 Poverty Guidelines of the US Department of Health and Human Services. The update has a very minor impact, affecting only DORS consumers with a family size of 5 with annual income of \$45,001 or more.

Changes in Chapter 02, Maryland Disability Employment Tax Credit

Regulation .06 Limitations on Claim of Credit by Employers

- Revisions have been made consistent with the 2008 Maryland General Assembly's extension of the Maryland Disability Employment Tax Credit until June 30, 2009.

Changes in Chapter 08, Workforce and Technology Center

Regulations .02 Definitions, .08 Service Plan, .09 Discharge Planning, .15 Medical Services, .16 Records

- Updates reflect closure of the Assisted Living Unit and establishment of the Supported Residence Dormitory, which is more in keeping with the focus of the Center on employment services and provision of a less restrictive environment and necessary supports for individuals with disabilities.

Regulations .05 Admission Decision and Appeal Process, .09 Discharge Planning

- Minor updates reflect streamlining of procedures at and access to the Workforce and Technology Center.

Regulation .07 Services

- Updates include the main program and service areas at the Workforce & Technology Center.

Regulation .19 Administrative Operations

- Updates clarify that staff may, in the presence of a third party, undertake a search of the physical plant without advance authorization if imminent danger to the health, welfare, or safety to the consumer or others exists.

The proposed regulations were published in the Maryland Register on September 26, 2008 (Attachment 1). The public comment period began September 26 and ended October 27, 2008. No comments were received.

ACTION:

I request adoption of the proposed amendments.

NSG:ph

Attachments

- (17) 5 requests for copies of public orders × \$25 increase = \$125 annually.
- D. Same as A(1) — (15) above.
- E. The cost to other industries or trade groups is the result of:
 - (1) 57 rosters of licensees × \$400 increase = \$22,800 increase annually; and
 - (2) 5 requests for copies of public orders × \$25 increase = \$125 annually.

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 Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston St., Room 512, Baltimore, MD 21201, or call 410-767-6499, or email to regs@dhhm.state.md.us, or fax to 410 333-7687. Comments will be accepted through October 27, 2008. A public hearing has not been scheduled.

.02 Fees.

The following fees are established by the Board:

- A. License fees:
 - (1) — (1-1) (text unchanged)
 - (1-2) Original license fee:
 - (a) January issue — [\$850] \$1,050;
 - (b) July issue — [\$650] \$850;
 - (2) Limited license fee — [\$50] \$100;
 - (3) — (4) (text unchanged)
- B. License renewal fees:
 - (1) Biennial license renewal fee (payable in [\$425] \$525 annual payments) — [\$850] \$1,050;
 - (2) Inactive license renewal fee (payable annually) — [\$25] \$50;
 - (3) Late renewal fee — [\$100] \$250;
- C. Reinstatement fees:
 - (1) Reinstatement of inactive license processing fee — [\$200] \$300;
 - (2) Reinstatement of expired license processing fee — [\$200] \$500;
 - (3) Reinstatement of inactive or expired license fees:
 - (a) January issue — [\$850] \$1,050;
 - (b) July issue — [\$650] \$850;
- D. Other fees:
 - (1) Certification of license fee — [\$25] \$30;
 - (2) Duplicate license fee — [\$25] \$50;
 - (3) Registration of professional corporation fee — [\$50] \$100;
 - (4) Dispensing prescription drug permit fee (payable every 5 years) — [\$25] \$50;
 - (5) Penalty for failure to maintain correct address with the Board — [\$100] \$300;
 - (6) Roster of licensees fee — [\$100] \$500;
 - (7) Request for copy of public orders — [\$25] \$50.

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

Title 13A STATE BOARD OF EDUCATION

Subtitle 11 PROGRAMS FOR ADULTS WITH DISABILITIES

13A.11.01 Vocational Rehabilitation Services

Authority: Education Article, §§21-301 — 21-306[,] and 21-402 — 21-404,
Annotated Code of Maryland

Notice of Proposed Action

[08-273-P]

The Maryland State Board of Education proposes to amend Regulations .13 and .15 under COMAR 13A.11.01 Vocational Rehabilitation Services. This action was considered at the Maryland State Board of Education meeting on July 15, 2008.

Statement of Purpose

The purpose of this action is to correct cross-references and to update the Financial Participation Schedule used by the Division of Rehabilitation Services (DORS) to determine financial participation of eligible individuals in cost of services. The Financial Participation Schedule has been updated based on 2008 Poverty Guidelines of the U.S. Department of Health and Human Services. The update has a very minor impact, affecting only DORS consumers with a family size of five with annual income of \$45,001 or more.

Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

Estimate of Economic Impact

I. Summary of Economic Impact. The change in the Financial Participation Schedule required for consistency with the 2008 Poverty Guidelines of the U.S. Department of Health and Human Services will result in a very minor economic impact for fewer than 75 individuals served by the Division of Rehabilitation Services (DORS). These individuals will contribute approximately \$200 less toward their services than they would have based on the 2007 Financial Participation Schedule. DORS will realize a corresponding minimal increase in cost of services for these individuals.

II. Types of Economic Impact.	Revenue (R+/R-)	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(E+)		\$15,000
B. On other State agencies:	NONE		
C. On local governments:	NONE		
	Benefit (+)		
	Cost (-)		Magnitude
D. On regulated industries or trade groups:	NONE		
E. On other industries or trade groups:	NONE		
F. Direct and indirect effects on public:	(+)		\$15,000

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

- A. Increase in payment for rehabilitation services.
- F. Reduced contribution of approximately \$200 for up to 75 individuals for rehabilitation services annually.

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 an impact on individuals with disabilities as follows: The Division of Rehabilitation Services (DORS) provides services to individuals with disabilities through the Vocational Rehabilitation Programs so that they can achieve employment, independence, and self-sufficiency. Changes in the Financial Participation Schedule will reduce the amount of the contribution toward the cost of services by approximately \$200 for up to 75 DORS consumers. Other changes are technical updates and clarifications that do not impact consumers of services of DORS.

Opportunity for Public Comment

Comments may be sent to Polly Huston, Director, Office of Program and Community Support, Division of Rehabilitation Services, 2301 Argonne Drive, Baltimore, MD 21218, or call 410-554-9437, or email to phuston@dors.state.md.us, or fax to 410-554-9412. Comments will be accepted through October 27, 2008. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting

to be held on December 9 and 10, 2008, at 200 W. Baltimore Street, Baltimore, MD 21201.

.13 Order of Selection for Services.

A. (text unchanged)

B. If sufficient funds are not available to provide vocational rehabilitation services to all eligible individuals, the Division shall:

(1) Institute an order of selection for services providing services on a priority basis to individuals in Category I, then Category II, then Category III, as follows:

(a) Category I: Individuals with most significant disabilities, in accordance with Regulation .03B[(17)] (16) of this chapter[.];

(b) Category II: Individuals with significant disabilities, in accordance with Regulation .03B[(18)] (17) of this chapter[.]; and

(c) Category III: Individuals with non-severe disabilities, who are eligible for services in accordance with Regulation .05, but do not meet the criteria in Regulation .03B[(17)] (16) or [(18)] (17) of this chapter; and

(2) — (3) (text unchanged)

.15 Financial Participation Schedule.

Available Income	Annual Amount of Individual / Family Financial Participation							
	Number of Dependents							
	1	2	3	4	5	6	7	8
\$21,000 and below	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
\$21,001 — \$25,000	201	0	0	0	0	0	0	0
\$25,001 — \$29,000	338	236	0	0	0	0	0	0
\$29,001 — \$33,000	504	388	0	0	0	0	0	0
\$33,001 — \$37,000	700	569	306	0	0	0	0	0
\$37,001 — \$41,000	926	780	488	0	0	0	0	0
\$41,001 — \$45,000	1,183	1,021	699	376	0	0	0	0
\$45,001 — \$49,000	1,469	1,293	940	588	[411] 0	0	0	0
\$49,001 — \$53,000	1,785	1,594	1,211	829	[638] 446	0	0	0
\$53,001 — \$57,000	2,131	1,925	1,513	1,100	[894] 688	481	0	0
\$57,001 — \$61,000	2,508	2,286	1,844	1,401	[1,180] 959	738	0	0
\$61,001 — \$65,000	2,914	2,678	2,205	1,733	[1,496] 1,260	1,024	551	0
\$65,001 — \$69,000	3,350	3,099	2,596	2,094	[1,843] 1,591	1,340	838	0
\$69,001 — \$73,000	3,816	3,550	3,018	2,485	[2,219] 1,953	1,686	1,154	621
\$73,001 — \$77,000	4,313	4,031	3,469	2,906	[2,625] 2,344	2,063	1,500	938
\$77,001 — \$81,000	4,839	4,543	3,950	3,358	[3,061] 2,765	2,469	1,876	1,284
\$81,001 — \$85,000	5,395	5,084	4,461	3,839	[3,528] 3,216	2,905	2,283	1,660
\$85,001+ *	6.5%	6.125%	5.375%	4.625%	[4.25%] 3.875%	3.5%	2.75%	2%

* To determine amount of individual/family participation when the available income is above \$85,000, multiply the individual/family income times the percentage. The Financial Participation Scale is based on [2007] 2008 Poverty Guidelines of the U.S. Department of Health and Human Services.

NANCY S. GRASMICK
State Superintendent of Schools

Subtitle 11 PROGRAMS FOR ADULTS WITH DISABILITIES

13A.11.02 Maryland Disability Employment Tax Credit

Authority: Education Article, §21-309,
Annotated Code of Maryland

Notice of Proposed Action

[08-275-P]

The Maryland State Board of Education proposes to amend Regulation .06 under COMAR 13A.11.02 **Maryland Disability Employment Tax Credit**. This action was considered at the Maryland State Board of Education meeting on July 15, 2008.

Statement of Purpose

The purpose of this action is to extend the tax credit for an additional year to be consistent with legislation passed by the Maryland General Assembly in 2008.

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 an impact on individuals with disabilities as follows: The Division of Rehabilitation Services provides services to individuals with disabilities through vocational rehabilitation programs with a goal of achievement of competitive employment. The Maryland Disability Employment Tax Credit, established in 1997, encourages businesses to give individuals with disabilities the opportunity to demonstrate their value as employees and can be expected to increase the number of individuals with significant disabilities who achieve employment. This recognizes the extension of the tax credit for another year.

Opportunity for Public Comment

Comments may be sent to Polly Huston, Director, Office of Program and Community Support, Division of Rehabilitation Services, 2301 Argonne Drive, Baltimore, MD 21218, or call 410-554-9437, or email to phuston@dors.state.md.us, or fax to 410-554-9412. Comments will be accepted through October 27, 2008. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on December 9 and 10, 2008, at 200 W. Baltimore Street, Baltimore, MD 21201.

.06 Limitations on Claim of Credit by Employers.

A. The Maryland disability employment tax credit shall be applicable to all taxable years beginning after December 31, 1996, but before January 1, [2011] 2012.

B. An employer may claim the credit only for employees hired on or after October 1, 1997, but before July 1, [2008] 2009.

C. — G. (text unchanged)

NANCY S. GRASMICK
State Superintendent of Schools

Subtitle 11 PROGRAMS FOR ADULTS WITH DISABILITIES

13A.11.08 Workforce and Technology Center

Authority: Education Article, §§21-301 — 21-304,
Annotated Code of Maryland

Notice of Proposed Action

[08-272-P]

The Maryland State Board of Education proposes to amend Regulations .02, .04, .07, .08, .09, .15, .16, and .19 under COMAR 13A.11.08 **Workforce and Technology Center**. This action was considered at the Maryland State Board of Education meeting on July 15, 2008.

Statement of Purpose

The purpose of this action is to update the programs and services offered by the Workforce and Technology Center (WTC). The amendments reflect restructuring of the WTC and resulting modifications in programs and services, as well as streamlining of processes to enhance access.

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 an impact on individuals with disabilities as follows: The Division of Rehabilitation Services provides services to individuals with significant disabilities through the Workforce and Technology Center to assist them in achieving employment, independence, and self-sufficiency. Changes are technical updates and clarifications that enhance services provided to consumers of services of the Division of Rehabilitation Services at the Workforce and Technology Center.

Opportunity for Public Comment

Comments may be sent to Polly Huston, Director, Office of Program and Community Support, Division of Rehabilitation Services, 2301 Argonne Drive, Baltimore, MD 21218, or call 410-554-9437, or email to phuston@dors.state.md.us, or fax to 410-554-9412. Comments will be accepted through October 27, 2008. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on December 9 and 10, 2008, at 200 W. Baltimore Street, Baltimore, MD 21201.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (4) (text unchanged)

[(5) "Assisted Living Unit" means the residential area of the Center, licensed as an assisted living unit, for individuals admitted for Center services who require assistance with activities of daily living.]

[(6) (5) — [(20)] (19) (text unchanged)

[(21) "License" means a license issued by the Secretary of the Maryland Department of Health and Mental Hygiene to operate an assisted living unit.]

[(22) (20) — [(27)] (25) (text unchanged)

[(28) "Primary nurse" means an individual licensed to practice as a registered nurse in Maryland who plans, initiates, and monitors, in conjunction with the client, the nursing program for clients served in the Assisted Living Unit.]

[(29) (26) — [(30)] (27) (text unchanged)

[(31) (28) "Residential services" means the provision of room, board, recreation, and other support services [either] in the dormitory of the Center [or in the Assisted Living Unit], the supported residence dormitory, or the community living skills training program dormitory.

[(32) (29) — [(34)] (31) (text unchanged)

.04 Admission Criteria.

A. — D. (text unchanged)

E. An applicant may be admitted for residential services in the:

(1) [Assisted Living Unit of the Center, upon approval of the Center's nursing director] supported residence dormitory (SRD) of the Center, if the admission committee, case manager, or residential supervisor determines that the applicant needs assistance with activities of daily living and/or requires supervision to be able to function in a residential setting; [or]

(2) Dormitory of the Center, if the admission committee or case manager determines that the applicant is independent in the applicant's activities of daily living and will be able to function in a residential setting with minimal supervision[.]; or

(3) Community living skills training (CLST) dormitory of the Center, if the admission committee or case manager determines that the applicant meets the standards for admission into the CLST program.

F. — H. (text unchanged)

.07 Services.

The Center shall provide the following services, depending on the needs of the client and the individualized program of services developed with the client:

A. (text unchanged)

B. Career assessment[, including:

- (1) Comprehensive assessment;
- (2) Consultation;
- (3) Exploratory assessment;
- (4) Focused assessment;
- (5) Itemized assessment; and
- (6) Job analysis];

C. Outpatient medical rehabilitation[, including:

- (1) Audiology services;
- (2) Medical functional evaluation;
- (3) Occupational therapy;
- (4) Physical therapy; and
- (5) Speech-language therapy];

D. Assistive technology (AT)[, including:

(1) Adaptive driving and vehicle modification assessment;

- (2) AT services;
- (3) AT worksite services;
- (4) AT training;
- (5) Environmental control unit services;
- (6) Fabrication services; and
- (7) Residential modification services];

E. Employment skills training[, including:

- (1) Auto mechanics;
- (2) Bicycle maintenance;
- (3) Computer-assisted design and drafting;
- (4) Computer technology;
- (5) Cosmetology;
- (6) Customized training;
- (7) Environmental services;
- (8) Food service;
- (9) Office technology;
- (10) Partnership training; or
- (11) Placement assistance];

F. Prevocational Services[, including:

- (1) Community living skills training;
- (2) Academic assessment and instruction;
- (3) Pre-employment preparation; and
- (4) Deaf and hard of hearing services];

G. Worksite Services;

[G.] H. — [I.] J. (text unchanged)

[J.] K. Special programs for clients [related to] including:

- (1) — (3) (text unchanged)

.08 Service Plan.

A. — F. (text unchanged)

[G. A client who is admitted to the Assisted Living Unit shall, in addition to the above, have a service plan which shall be developed by the interdisciplinary team.]

.09 Discharge Planning.

A. — B. (text unchanged)

C. The case manager for clients receiving medical functional evaluations, comprehensive assessments, and employment skills training shall hold a discharge conference with the client on or shortly before the day of discharge to summarize services, discuss issues, and outline the steps needed to facilitate transition to the next phase of the client's rehabilitation program. The client shall be [provided with a written summary of the discharge conference at the time of discharge] informed that a written report will be submitted to the referral source in a timely fashion after the conclusion of the service.

[D. On or shortly before the day of discharge, the physician of a client who is a resident of the Assisted Living Unit shall also provide written discharge information to the client.]

.15 Medical Services.

As provided in COMAR 10.07.14, the Medical Director shall be responsible for planning and managing the clinical [and Assisted Living Unit] services provided by the Center in accordance with appropriate federal and State law, and regulations and standards established by accrediting organizations, including the Commission on Accreditation of Rehabilitation Facilities.

.16 Records.

A. (text unchanged)

B. The record for each client shall include:

- (1) (text unchanged)

- (2) Pertinent history, diagnosis of disability, functional limitation or limitations, and goals[, and prognosis];
- (3) — (10) (text unchanged)
- (11) Designation of the case manager for the client [and, as appropriate, the physician and primary nurse];
- (12) — (14) (text unchanged)
- C. — F. (text unchanged)

.19 Administrative Operations.

- A. — C. (text unchanged)
- D. [Center security personnel] *The Division of Rehabilitation Services Police* may stop and conduct a frisk of a client, employee, visitor, or any other person on the premises if there is reasonable belief that the person possesses a weapon which presents an imminent danger to the safety of that person or other persons in the Center.
- E. The Director or the Director's designee may authorize searches of the physical plant including lockers and residential areas assigned to individual clients when there is a reasonable belief that the search is essential to prevent imminent danger to the safety or welfare of a client, an employee, or other persons on Center property, or that the search will produce evidence that the client has violated or is violating either the law or rules of the Center. *A search of the physical plant may be undertaken without advance authorization if imminent danger to the health, welfare, or safety of clients or others exists. The Director or designee shall be immediately notified of any search that was conducted without advance authorization.* [These] All searches shall be made in the presence of a third [person] party.
- F. (text unchanged)

NANCY S. GRASMICK
State Superintendent of Schools

Title 14 INDEPENDENT AGENCIES

Subtitle 09 WORKERS' COMPENSATION COMMISSION

14.09.02 Governmental Group Self-Insurance Authority, Labor and Employment Article, §§9-309, 9-402, and 9-404, Annotated Code of Maryland

Notice of Proposed Action

The Workers' Compensation Commission proposes to adopt new Regulation .01, recodify existing Regulation .01 to be new Regulation .01-1, repeal existing Regulations .05 and .08, and adopt new Regulations .05 and .08, respectively, and adopt new Regulations .09 and .10 under **COMAR 14.09.02 Governmental Group Self-Insurance**. This action was considered at an open meeting held on August 14, 2008, notice of which was given on the Commission's website continuously since October 15, 2007, pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to implement House Bill 345/ Senate Bill 625 (Ch. 42, Acts of 2007) which requires the Commission to adopt regulations to establish guidelines

governing the investment of surplus moneys in equities by a governmental self-insurance group.

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 Michael L. Galey, Secretary of the Commission, Workers' Compensation Commission, 10 E. Baltimore St., Baltimore, Maryland 21202, or call 410-864-5315, or email to mgaley@wcc.state.md.us, or fax to 410-864-5301. Comments will be accepted through October 27, 2008. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Workers' Compensation Commission during a public meeting to be held on November 13, 2008 at 9 a.m., at 10 E. Baltimore St., Baltimore, MD 21202.

.01 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

- (1) "Actuarially calculated ultimate loss liability" means the sum of open claim reserves, plus an estimate of incurred but not reported losses on open and closed claims through the cutoff date for the estimate in accordance with generally accepted actuarial principles.
- (2) "Adequate consideration" has the meaning set forth in the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. §1108(17)(B).
- (3) "Administrator" means a person designated by the board of trustees for a purpose authorized by this chapter.
- (4) "Board of trustees" means the elected governing body of a governmental group self-insurance fund.
- (5) "Elect" means either:
 - (a) Direct election by the members of the governmental group fund; or
 - (b) Appointment by the board of directors of a governmental entity member organization.
- (6) "Exchange traded fund (ETF)" means an equity fund or bond fund designed to replicate the performance of a major broad market United States, international, or global index, and publicly traded on an American Stock Exchange.
- (7) "Fiduciary" means:
 - (a) An individual or group of individuals as defined in the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. §1102(21)(A);
 - (b) A member of the board of trustees;
 - (c) A member of an investment committee of the Board of Trustees; and
 - (d) An administrator.
- (8) "Fund" means the governmental self-insurance group established pursuant to Labor and Employment Article, §9-404, Annotated Code of Maryland, and this chapter.