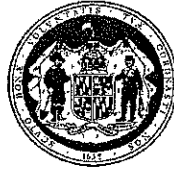


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PUBLIC SERVICE COMMISSION

July 14, 2014

David J. Collins
Executive Secretary
Public Service Commission of Maryland
William Donald Schafer Tower
6 St. Paul Street, 16th Floor
Baltimore, MD 21202-6806

Re: Proposed Revision of COMAR 20.31.03.01 and -03-
Restrictions for Serious Illness and Life-Support
Equipment.

Dear Mr. Collins:

Attached please find a proposal to revise COMAR 20.31.01 and -03.01-Restrictions for Serious Illness and Life-Support Equipment. The proposed revision will add "nurse practitioners" to the list of medical professionals permitted to certify to an electric or gas utility that the utility's customer has a serious illness, or is in need of life support equipment, and is therefore exempt from termination of utility service for an initial period of 30 days, and beyond that time, as described in the existing regulation. The revisions also clarify that persons seeking termination protection must enter into a payment arrangement with their utility.

BACKGROUND

Chairman W. Kevin Hughes received a letter from Andrea Parson Schram, President, Nurse Practitioner Association of Maryland ("NPAM"), requesting that the Public Service Commission consider amending its regulations to permit certificates, submitted under COMAR 20.31.03.01, to be signed by nurse practitioners, as well as by physicians. Currently, only physicians are permitted to sign these certificates. The NPAM based this request on two considerations:

- COMAR 10.27.07.02, which describes the scope of a nurse practitioner's practice, would permit nurse practitioners to sign the certificates, required under COMAR 20.31.03.01.

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- Access to primary care physicians in Maryland is limited, with an approximate 60-80% shortage in many parts of Maryland.

Staff reviewed the relevant COMAR provisions, as well as the Maryland Annotated Code sections pertaining to nurse practitioners. Health Occupations, §8-101, 8-302, 8-315 and 8-508 and Health-General, §19-705.1, lists the duties and responsibilities of nurse practitioners. Following a review of these regulations and laws, Staff drafted the attached proposed regulations for the Commission's consideration.

CONCLUSION

Please accept this proposed regulation for filing and consideration for a public hearing.

Sincerely,



Leslie M. Romine

Title 20 PUBLIC SERVICE COMMISSION

Subtitle 31 TERMINATIONS OF SERVICE

Chapter 01 General Regulations

.02 Definitions.

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

B. Terms Defined.

(15) "Serious illness" means an illness certifiable by a licensed physician or certified nurse practitioner to be such that termination of service during the period of time covered by the certificate would be especially dangerous to the health of the person certified to be seriously ill, aggravate an existing serious illness, or prevent the use of life-support equipment.

Chapter 03 Restrictions on Terminations

**Authority: Public Utility Companies Article, §§2-113, 2-121, 5-101, and 7-307,
Annotated Code of Maryland**

.01 Restrictions for Serious Illness and Life-Support Equipment.

~~A. Electric or gas service, or both, may not be terminated for an initial period of up to 30 days beyond the scheduled date of service termination when the termination will aggravate an existing serious illness or prevent the use of life-support equipment of any occupant of the premises, subject to the provisions of this regulation.~~

B. Certification Requirement.

(1) A serious illness or the need for life-support equipment shall be certified to the utility by:

(a) [a]A licensed physician; or

(b) [a]A certified nurse practitioner with a valid attestation that the nurse practitioner has an agreement for collaboration and consulting with a licensed physician.

(2) When a utility uses a form for the physician or nurse practitioner to certify a serious illness or the need for life support equipment under this regulation, it shall use the form provided by the Commission.

(3) A utility shall accept a certification from a licensed physician or a nurse practitioner of a serious illness or need for life support equipment under this regulation.

(4) Except when a form is used under §B(2) of this regulation, the physician or nurse practitioner certification required under §B(1) of this regulation shall be in writing and include:

(a) The name and address of the seriously ill person;

(b) A statement that the seriously ill person or person in need of life support equipment is the customer or an occupant of the premises;

(c) The name, address, telephone number, physician or nurse practitioner license number, and signature of the certifying physician or nurse practitioner; and

(d) A statement that termination will aggravate a serious illness or prevent the use of life-support equipment.

(5) A utility shall accept the physician or nurse practitioner certification under this regulation in either paper form by facsimile or as a scanned original attached to an email from the certifying physician or nurse practitioner's office.

C. The certifying physician, nurse practitioner or the customer may initially telephone the utility of the intent to obtain certification. The required certificate is to be forwarded to the utility not later than the day before the scheduled date for termination of service.

D. The customer shall promptly, within 30 days of submitting a certification under this regulation, enter into an agreement with the utility for the payment of the unpaid bills and current amounts due for service in accordance with COMAR 20.31.01.08.

E. Certification may be renewed by the customer, by a licensed physician or nurse practitioner ~~by providing another certificate to the utility including updated information specified in section B(4).~~ Renewal of a certification shall not relieve the customer of responsibility to enter into a payment agreement, as provided in section (5) D of this regulation.

F. Sufficiency of Certification.

(1) If the utility questions the adequacy or integrity of the certification provided:

(a) The utility may refuse to honor the certification provided under §B (1) of this regulation only for the following reasons:

(i) The certification form is not completed;

(ii) The certification form is not signed by a licensed physician or nurse practitioner; or

(iii) The certification form appears to have been altered; or

(b) The utility may petition the Commission to determine the adequacy of the certification provided under §B of this regulation for any other reason.

(2) If the utility files a petition under §F (1) (b) of this regulation, the utility may not terminate service until:

(a) The Commission determines the adequacy of the certification; or

(b) The certification has expired and has not been renewed.

G. A utility may terminate electric or gas service to the premises of a customer under this regulation only if the utility:

(1) Between the date the notice of termination is mailed to the customer and the date on or after which service is to be terminated, at a minimum, attempts to make personal contact with the customer on two separate occasions, each of which shall occur on a separate date;

(2) Attempts to make personal contact with the customer by either:

(a) Telephoning the customer during business hours, or, if no one is home, during the evening after 6 p.m.; or

(b) Visiting the premises and leaving a copy of the notice of termination with the customer or a responsible person 18 years old or older at the premises, or, if no one is at home, leaving a copy of the notice at the premises; and

(3) Documents each attempt to make personal contact under this section.

H. If personal contact is made, the utility shall inform the customer of possible sources of financial assistance and the availability of alternate payment plans or other payment arrangements offered by the utility.