

DELAWARE HEALTH INFORMATION NETWORK

PUBLIC NOTICE

104 Delaware Health Care Claims Database Data Access Regulation

Agency: Delaware Health Information Network

Contact: Dr. Jan Lee
Chief Executive Officer
(302) 678-0220

Submit Comments by email to info@dhin.org by January 16, 2018.

Title of Proposed Regulation: Delaware Health Care Claims Database Data Access Regulation

Summary of the Regulation:

This regulation supports implementation of 16 **Del.C.** Ch. 103, Subchapter II, The Delaware Health Care Claims Database. It summarizes the allowable purposes for access to claims data, the process by which a request for access to claims data will be reviewed and evaluated, and factors that will be considered in granting or denying such requests. It delineates the structure and duties of the Health Care Claims Database Committee

Sub-regulatory information may be found on the DHIN web site at www.DHIN.org to include the form to be used for requesting access to claims data and the general business rules to be followed by the Health Care Claims Database Committee.

DEPARTMENT OF EDUCATION

PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, December 14, 2017 at 5:00 p.m. in the Townsend Building, Dover, Delaware.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

PUBLIC NOTICE

20620.2.3.1 Limitation on the Submission of Requests for Protection of Prior Medical Costs

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code), 42 CFR §447.205, and under the authority of Title 31 of the Delaware Code, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Medicaid and Medical Assistance (DMMA) is proposing to amend the Delaware Social Services Manual (DSSM) regarding Prior Medical Costs, specifically, *to add a reasonable limit on the timeframe for the submission of requests for the protection of prior medical costs.*

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to, Planning, Policy and Quality Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to Nicole.M.Cunningham@state.de.us, or by fax to 302-255-4413 by 4:30 p.m. on January 2, 2018. Please identify in the subject line: Prior Medical Costs Submission Limitation.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

DIVISION OF SOCIAL SERVICES

PUBLIC NOTICE

2027 Disqualification of Individuals Convicted of Drug Related Offenses

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code), 42 CFR §447.205, and under the authority of Title 31 of the Delaware Code, Chapter 5, Section 512, Delaware Health and

Social Services (DHSS) is proposing to amend Division of Social Services Manual regarding Disqualification of Individuals Convicted of Drug Related Offenses specifically, *to remove the restriction against receipt of Cash Assistance from persons convicted of a drug felony.*

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to, Planning, Policy and Quality Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to Nicole.M.Cunningham@state.de.us, or by fax to 302-255-4413 by 4:30 p.m. on January 2, 2018. Please identify in the subject line: Disqualification of Individuals Convicted of Drug Related Offenses.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

DEPARTMENT OF INSURANCE

OFFICE OF THE COMMISSIONER

PUBLIC NOTICE

1801 Insurance Holding Company System Regulation With Reporting Forms and Instructions

The Department of Insurance gave notice in the Delaware *Register of Regulations* at 21 DE Reg. 271 (10/01/2017) of its proposal to amend Department of Insurance Regulation 1801 relating to reporting forms and instructions for Insurance Holding Company System Regulation. The Department's internal docket number for this regulatory project is 3607-2017.

The purpose of the proposed amendment was to add new subsection 4.5. This new subsection put filers of reporting forms on notice that any statement submitted to the Department pursuant to the National Association of Insurance Commissioners (NAIC) Insurance Holding Company System Regulatory Act, 18 **Del.C.** Ch. 50, should not be considered "filed" until the Commissioner of the Department of Insurance determines that the statement is complete. The Department is also making edits to Section 8.0, Definitions, to comport that section with the Delaware Administrative Code Drafting and Style Manual.

The Department did not hold a public hearing on the proposed regulation. The Department accepted written comments, suggestions, briefs, and compilations of data or other materials concerning the proposed amendment until the 1st day of November, 2017, which was thirty days from the date of publication.

The Department received comments from the National Association of Mutual Insurance Companies (NAMIC). A copy of NAMIC's comments may be obtained by contacting the Department at the below address.

The Department is re-proposing proposed new subsection 4.5, but revised to put filers on notice that any Form A statement submitted to the Department pursuant to the National Association of Insurance Commissioners (NAIC) Insurance Holding Company System Regulatory Act, 18 **Del.C.** Ch. 50, should not be considered "filed" until the Commissioner of the Department of Insurance determines that the statement is complete. The Department is also proposing to make the same edits to Section 8.0, Definitions, as were proposed in its October 1 proposal, for the same reason. The Department is also revising Section 23.0 of the regulation to update the effective dates of the existing regulation and of proposed new subsection 4.5.

The text of the proposed amendment appears below and can also be viewed at the Delaware Insurance Commissioner's website at <http://insurance.delaware.gov/information/proposedregs/>. The Department of Insurance does not plan to hold a public hearing on the proposed regulation.

Any person may file written comments, suggestions, briefs, and compilations of data or other materials concerning the proposed amendment. Any written submission in response to this notice and relevant to the proposed regulation must be received by the Department of Insurance no later than 4:30 p.m. EST, 2nd day, January, 2018. Any such response should be directed to:

Leslie W. Ledogar, Regulatory Specialist
Attn: Regulatory Docket No. 3607-2017
Delaware Department of Insurance
841 Silver Lake Drive
Dover, 19904
(302) 674-7379
Email: Leslie.Ledogar@state.de.us

1300 BOARD OF EXAMINERS OF PRIVATE INVESTIGATORS & PRIVATE SECURITY AGENCIES
PUBLIC NOTICE

Notice is hereby given that the Board of Examiners of Private Investigators and Private Security Agencies, in accordance with 24 **Del.C.** Ch. 13 proposes to amend the following adopted rules in 24 **DE Admin. Code** 1300 Board of Examiners of Private Investigators and Private Security Agencies: Rule 7.0 - Employment Notification; Rule 8.0 - Private Investigators; rule 9.0 - Delaware Manager/License Holder; 11.0 - Personnel Rosters and Job Assignments; Rule 12.0 - Record Book; Right of Inspection; and Rule 13.0 - Licensing Fees. If you wish to view the complete Rules, contact Ms. Peggy Anderson at (302) 672-5304. Any persons wishing to present views may submit them in writing, by January 2, 2018, to Delaware State Police, Professional Licensing Section, P. O. Box 430, Dover, DE 19903. The Board will hold its quarterly meeting Thursday, January 25, 2018, 9:30am, at the Tatnall Building, 150 Martin Luther King, Jr. Boulevard South, Room 112, Dover, DE.

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
1100 BOARD OF DENTISTRY AND DENTAL HYGIENE
PUBLIC NOTICE

The Delaware Board of Dentistry and Dental Hygiene, pursuant to 24 **Del.C.** §1106(a)(1), proposes to revise its regulations. The proposed amendments to Regulation six clarify that live webinars will be accepted as face to face CEs. The proposed amendments to Regulation eight add regulatory provisions for inactive status pursuant to 24 **Del.C.** §1126(e). The proposed amendment to Regulation 10 seeks to incorporate by reference the Board's clinical examination guidelines into its regulations. The proposed changes to Regulation 11 amend technical errors in the substantially related crimes list and adds the crime of misuse of the Prescription Monitoring Program. The proposed change at Regulation 12 adds a requirement that licensees update the Division of Professional Regulation within 10 days of a change in their contact information.

The Board will hold a public hearing on the proposed rule change on December 21, 2017 at 3:00 PM, Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Meredith Hurley, Administrator of the Delaware Board of Dentistry and Dental Hygiene, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until January 5, 2018.

Division of Professional Regulation
1900 Board of Nursing
PUBLIC NOTICE

The Delaware Board of Nursing, pursuant to 24 **Del.C.** §1904(c), proposes to revise its regulations seeks to bring the regulations into conformity with current law and remove outdated and inconsistent provisions. For example, the proposed changes clarify the timeframe for a new school of nursing to obtain national accreditation; clarify the timeframe an applicant may take the NCLEX; eliminate the requirement that nurses retain their maiden name on their licenses; clarify that an APRN is not required to maintain a collaborative agreement after obtaining two years and 4,000 hours of collaboration, even if the APRN plans to apply for independent practice; clarifies the definitions of licensed healthcare delivery system and established healthcare organization; eliminates the provision precluding APRNs from prescribing medications to individuals who are not established patients; and eliminates crimes from the exhaustive list of crimes substantially related to the practice of nursing.

The Board will hold a public hearing on the proposed regulation change on January 10, 2018 at 9:30 a.m., Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Jessica Runkle, Administrative Specialist of the Delaware Board of Nursing, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until January 25, 2018 pursuant to 29 **Del.C.** §10118(a).

DIVISION OF PROFESSIONAL REGULATION
2500 BOARD OF PHARMACY
PUBLIC NOTICE

Pursuant to 24 **Del.C.** §2506(a)(1), the Delaware Board of Pharmacy has proposed revisions to its rules and regulations.

A public hearing will be held on January 17, 2018 at 9:30 a.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware, where members of the public can offer comments. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Board of Pharmacy, 861 Silver Lake Boulevard, Dover, Delaware 19904. Written comments should be sent to Christine Mast, Administrative Specialist for the Delaware Board of Pharmacy, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until February 1, 2018, pursuant to 29 **Del.C.** §10118(a). The Board will deliberate on all of the public comments at its next regularly scheduled meeting.

The proposed changes include provisions for the use of telehealth for patient counseling and updates for the requirements for continuing education audits. Section 8.0 is revised to clarify that its requirements apply to wholesalers, manufacturers, outsourcing facilities and third-party logistic providers. Section 10.0, pertaining to compounders, is stricken and replaced with the requirement that compounders must be in compliance with current USP standards, except that, effective December 1, 2019, compliance with USP 800 will be required. Finally, the requirements for training of pharmacy technicians are updated.

DIVISION OF PROFESSIONAL REGULATION
3500 BOARD OF EXAMINERS OF PSYCHOLOGISTS
PUBLIC NOTICE

The Delaware Board of Examiners of Psychologists, pursuant to 24 **Del.C.** §3506(a)(1), proposes to revise its regulations. The proposed amendments to the regulations seek to require licensees to update their contact information within 10 days of any such change; clarify that psychological assistant registrants must complete a Board approved internship, not just a 450 hour practicum; enhance continuing education requirements by clarifying the maximum number of credits which may be earned for preparing and presenting scientific papers and posters; and eliminates some of the crimes on the list of those substantially related to the practice of psychology.

The Board will hold a public hearing on the proposed rule change on January 8, 2018 at 9:00 a.m., in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Karen Carn, Administrator of the Delaware Board of Examiners of Psychologists, Cannon Building, 861 Silver Lake Blvd, Suite 203, Dover, DE 19904. Written comments will be accepted until January 23, 2018 pursuant to 29 **Del.C.** §10118(a).

DIVISION OF PROFESSIONAL REGULATION
5300 BOARD OF MASSAGE AND BODYWORK
PUBLIC NOTICE

Pursuant to 24 **Del.C.** §5306(a)(1), the Board of Massage and Bodywork ("Board") has proposed revisions to its rules and regulations.

A public hearing will be held on January 18, 2018 at 1:30 p.m. in the second floor conference room B of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware, where members of the public can offer comments. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Board of Massage and Bodywork, 861 Silver Lake Boulevard, Dover, Delaware 19904. Written comments should be sent to Gina Bloom, Administrative Specialist for the Delaware Board of Massage and Bodywork, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until February 2, 2018, pursuant to 29 **Del.C.** §10118(a). The Board will deliberate on all of the public comments at its next regularly scheduled meeting.

The proposed changes serve to implement recent amendments to the Board's Practice Act, Chapter 53 of Title 24 of the Delaware Code, pertaining to the licensure of massage establishments. Section 12.0 sets forth licensure standards, application procedures, and advertising requirements. The Section provides for inspection of any location representing itself as a place where massage and bodywork services will be offered. The Section also sets forth specific prohibitions against illegal activity at such locations in the interests of protection of the public and the individuals working at the locations.