

# CALENDAR OF EVENTS/HEARING NOTICES

## CALENDAR

December 2023

### DELAWARE RIVER BASIN COMMISSION

#### PUBLIC NOTICE

The Commission's quarterly business meeting will be held on Wednesday, December 6, 2023, commencing at 10:30 a.m. The business meeting will be held remotely. An agenda will be posted on the Commission's website, [www.drbc.gov](http://www.drbc.gov), at least ten (10) days prior to the meeting date.

For additional information, including a link to live stream of this event, please visit the DRBC website at [www.drbc.gov](http://www.drbc.gov) or contact Patricia Hausler at [patricia.hausler@drbc.gov](mailto:patricia.hausler@drbc.gov).

Pamela M. Bush, Esq.  
Commission Secretary and Assistant General Counsel

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### DEPARTMENT OF EDUCATION

#### PUBLIC NOTICE

The State Board of Education meets monthly, generally at 5:00pm on the third Thursday of the month. These meetings are open to the public. The Board rotates locations of regular meetings among the three counties.

The State Board of Education provides information about meeting dates and times, materials, minutes, and audio recordings on its website:

<https://education.delaware.gov/community/governance/state-board-of-education/sbe-monthly-meetings/>

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### DEPARTMENT OF HEALTH AND SOCIAL SERVICES

#### DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

#### PUBLIC NOTICE

#### Retroactive Eligibility

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del.C.** §512, Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend the Division of Social Services Manual (DSSM) 14100.6, 14920, 14920.1, 14920.5, 15200.3, 15200.6, and Title XIX Medicaid State Plan Attachment 4.17-1 regarding Retroactive Eligibility, specifically, to support our goal of expanding access to coverage, including coverage for those who need immediate care while applying for Medicaid.

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 and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to [DHSS\\_DMMA\\_Publiccomment@Delaware.gov](mailto:DHSS_DMMA_Publiccomment@Delaware.gov), or by fax to 302-255-4413 by 4:30 p.m. on January 2, 2024. Please identify in the subject line: Retroactive Eligibility

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.

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### DIVISION OF PUBLIC HEALTH

#### PUBLIC NOTICE

## 4110 Pharmacists Dispensing and Administering Contraceptives

Pursuant to 16 **Del.C.** §§3001O-3003O and 83 Del. Laws, c. 240, the Department of Health and Social Services, Division of Public Health, is proposing new regulation 4110 Pharmacists Dispensing and Administering Contraceptives. This regulation includes requirements, standard procedures, and conditions under which pharmacists may dispense or dispense and administer contraceptives.

Copies of the proposed regulations are available for review in the December 1, 2023 issue of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Division of Public Health at (302) 744-4951.

Any person who wishes to make written suggestions, testimony, briefs or other written materials concerning the proposed regulations must submit them by the close of business January 2, 2024, at:

Division of Public Health  
417 Federal Street  
Dover, DE 19901  
Email: [DHSS\\_DPH\\_regulations@delaware.gov](mailto:DHSS_DPH_regulations@delaware.gov)

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## DIVISION OF PUBLIC HEALTH PUBLIC NOTICE 4459 Lead-Based Paint Hazards

Pursuant to 16 **Del.C.** §122(3)t, the Department of Health and Social Services, Division of Public Health, Health Systems Protection section, is proposing revisions to Regulation 4459 Lead Based Paints Hazards. The revisions include:

- Addition of electronic payments for accreditation of training programs;
- Removal of the requirement for the Secretary to maintain a list of parities whose accreditation has changed status; and
- Addition of the ability for an abatement worker to apply for a 1-year provisional certification.

These amendments were previously published in the November 2023 issue of the Register (27 **DE Reg.** 315 (11/01/23) (Prop.) and are hereby repropoed. Copies of the proposed regulations are available for review in the December 1, 2023, issue of the *Delaware Register of Regulations*, accessible online at: <https://regulations.delaware.gov>, or by calling the Division of Public Health at (302) 744-4700.

## NOTICE OF PUBLIC HEARING

A public hearing will be held in hybrid format on Thursday, December 21, 2023, at 2:30 p.m. at the Department of Natural Resources and Environmental Control Richardson & Robbins Building Auditorium, located at 89 Kings Highway, Dover, Delaware 19901.

Via video and teleconferencing:

Zoom meeting URL:  
<https://us06web.zoom.us/j/81003211489?pwd=uJZrt6jnrhnaEVQt4Iaj3P7HI1y6od.1>  
Meeting ID: 810 0321 1489  
Passcode: 523652  
Dial: 1 301 715 8592

Those wishing to offer verbal comments during this public hearing must pre-register no later than noon on the date of the virtual public hearing.

Public comments will be received until the close of business Monday, January 8, 2024. Comments will be accepted in written form via email to [DHSS\\_DPH\\_regulations@delaware.gov](mailto:DHSS_DPH_regulations@delaware.gov), or by U.S. mail to the following address:

Vicki Schultes, Hearing Officer  
Division of Public Health

417 Federal Street  
Dover, DE 19901

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**DIVISION OF PUBLIC HEALTH**  
**PUBLIC NOTICE**  
**4459A Regulations Governing the Childhood Lead Poisoning Prevention Act**

Pursuant to 16 **Del.C.** §122(3)t, the Department of Health and Social Services, Division of Public Health, Health Systems Protection section, is proposing revisions to 4459A Regulations Governing the Childhood Lead Poisoning Prevention Act. The revisions include:

- Addition of the Division's investigation and reporting obligations; and
- Technical and renumbering revisions.

These amendments were previously published in the November 2023 issue of the Register (27 **DE Reg.** 315 (11/01/23) (Prop.) and are hereby repropose. Copies of the proposed regulations are available for review in the December 1, 2023, issue of the *Delaware Register of Regulations*, accessible online at: <https://regulations.delaware.gov>, or by calling the Division of Public Health at (302) 744-4700.

**NOTICE OF PUBLIC HEARING**

A public hearing will be held in hybrid format on Thursday, December 21, 2023, at 3:00 p.m. at the Department of Natural Resources and Environmental Control Richardson & Robbins Building Auditorium, located at 89 Kings Highway, Dover, Delaware 19901.

Via video and teleconferencing:

Zoom meeting URL:

<https://us06web.zoom.us/j/84423347909?pwd=WrmMablaEIMmig0OFuYkXaUKvgGbOg6.1>

Meeting ID: 844 2334 7909

Passcode: 028501

Dial: 1 301 715 8592

Those wishing to offer verbal comments during this public hearing must pre-register no later than noon on the date of the virtual public hearing. There will still be an opportunity for anyone to speak during the hearing.

Public comments will be received until the close of business Monday, January 8, 2024. Comments will be accepted in written form via email to [DHSS\\_DPH\\_regulations@delaware.gov](mailto:DHSS_DPH_regulations@delaware.gov), or by U.S. mail to the following address:

Vicki Schultes, Hearing Officer  
Division of Public Health  
417 Federal Street  
Dover, DE 19901

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**DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL  
CONTROL**

**DIVISION OF FISH AND WILDLIFE**  
**REGISTER NOTICE**  
**3755 Lobsters (*Homarus americanus*)**

This action is being proposed to comply with the Atlantic States Marine Fisheries Commission's Addendum XXIX to Amendment 3 to the American Lobster Fishery Management Plan (FMP), which requires all vessels with federal lobster permits to install and maintain an electronic tracking device that will transmit location data while the vessel is in the water. The FMP is requiring the electronic trackers because the trackers are now required by a NOAA Fisheries federal regulation intended to reduce interactions between fishing boats and

gear and the endangered North Atlantic Right Whale.

The hearing record on the proposed changes to 7 **DE Admin. Code** 3755 will be open December 1, 2023. The virtual public hearing will be held on Thursday, December 21, 2023, beginning at 6:00 p.m. The web link to the virtual hearing can be accessed through the DNREC Public Hearings site at <https://dnrec.alpha.delaware.gov/public-hearings/>. If prompted, use Meeting ID: 885 0576 5378 Passcode: 499825. To access the audio-only portion of the virtual hearing, dial (305) 224- 1968 and enter the Meeting ID and Passcode noted above. Closed captioning is available in over 20 languages, including English and Spanish, to attendees via the Zoom platform utilized for all DNREC Public Hearings.

Those wishing to offer verbal comments during DNREC virtual public hearings must pre-register no later than noon on the date of the virtual hearing. The designated page for this Pre-Registration process can be found here: <https://dnrec.alpha.delaware.gov/public-hearings/comments/registration/>

The proposed amendments may be inspected online starting December 1, 2023 at [https://regulations.delaware.gov/services/current\\_issue.shtml](https://regulations.delaware.gov/services/current_issue.shtml), or in-person, by appointment only, by contacting John Clark by phone at 302-739-9914 or by email at [John.Clark@delaware.gov](mailto:John.Clark@delaware.gov).

Public comments will be received until close of business Friday, January 5, 2024. Comments will be accepted in written form via email to [DNRECHearingComments@delaware.gov](mailto:DNRECHearingComments@delaware.gov), or by using the online form at <https://de.gov/dnreccomments>, or by U.S. mail to the following address:

Lisa Vest, Hearing Officer  
DNREC - Office of the Secretary  
89 Kings Highway, Dover, DE 19901

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**DEPARTMENT OF STATE**  
**DIVISION OF PROFESSIONAL REGULATION**  
**Board of Dentistry and Dental Hygiene**  
**PUBLIC NOTICE**  
**1100 Board of Dentistry and Dental Hygiene**

The Delaware Board of Dentistry and Dental Hygiene pursuant to 24 *Del. C.* § 1106(a)(1), proposes to revise its regulations. The proposed amendment eliminates the need for an inactive licensee to renew an inactive license.

The Board will hold a public hearing on the proposed rule change on January 11, 2024 at 3:00 PM virtually and at the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Jennifer Witte, 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 26, 2024.

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**DIVISION OF PROFESSIONAL REGULATION**  
**Board of Electrical Examiners**  
**PUBLIC NOTICE**  
**1400 Board of Electrical Examiners**

Pursuant to 24 **Del.C.** §1406(a)(1), the Delaware Board of Electrical Examiners ("Board") has proposed revisions to its Rules and Regulations. The Board proposes these amendments to advance its primary objective, which is to protect the general public, specifically those persons who are the direct recipients of electrical services, regulated by 24 **Del.C.**, Ch. 14.

Amendments are proposed to subsection 3.4 because the current regulation contains inaccurate statutory references and because upon the creation of the journey person and apprentice license categories, the pertinent regulations were not also updated. The proposed amendment corrects the statutory reference and clarifies how and from whom journey person and apprentice electricians may accumulate the qualifying experience required to obtain more senior licenses under 24 **Del.C.** §1408(a).

Amendments are proposed to subsection 7.2 to provide definition of what it means for an apprentice electrician to be enrolled in an apprentice program approved by the Board as provided in 24 **Del.C.** §1408(a)(7). The Board seeks to ensure that apprentice electricians are making appropriate and regular strides toward the next stage of their professional development.

Amendments are proposed to subsection 11.0 to provide definition of what it means for a license to be "current" and what factors the Board will consider in deciding whether a state's licensing requirements are "substantially similar" to those of Delaware in the context of applications for license by reciprocity under 24 **Del.C.** §1409. The amendments provide clarity for the Board and applicants regarding the process and requirements for reciprocal admission.

Amendments are proposed to subsections 1.3, 6.1, 8.4 and 12.1 to include licensed residential electricians among the excepted license categories for requirements pertaining to vehicle lettering, insurance, continuing education, and inspection requests. When the residential electrician license category was created by statute, the corresponding regulations were not updated. It has come to the attention of the Board that certain residential electricians have sought inspection by licensed inspection agencies. The amendment clarifies that doing so is outside the scope of a residential electrician's license defined by 24 **Del.C.** §1422A.

Additional revisions are technical and style changes consistent with the *Delaware Administrative Code Drafting and Style Manual*.

The Board will hold a public hearing on January 3, 2024, at 8:30 a.m. in conference room A on the second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Electrical Examiners, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address or at [Nikki.Pecora@delaware.gov](mailto:Nikki.Pecora@delaware.gov).

In accordance with 29 **Del.C.** §10118(a), the final date to receive written comments will be January 18, 2024. The Board will deliberate on all the public comments at its regularly scheduled meeting thereafter.

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**DIVISION OF PROFESSIONAL REGULATION  
Board of Cosmetology and Barbering  
PUBLIC NOTICE  
5100 Board of Cosmetology and Barbering**

Pursuant to 24 **Del.C.** §5106(a)(1), the Delaware Board of Cosmetology and Barbering ("Board") has proposed revisions to its Rules and Regulations. The proposed amendments set forth standards and requirements for a temporary instructor permit through a provisional pathway. This new method for obtaining licensure is designed to address the current shortage of instructors in schools training individuals for licensure under Chapter 51 of Title 24 of the Delaware Code.

A public hearing will be held on January 29, 2024 at 9:00 a.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Cosmetology and Barbering, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address or at [danielle.ridgway@delaware.gov](mailto:danielle.ridgway@delaware.gov).

In accordance with 29 **Del.C.** §10118(a), the final date to receive written comments will be February 13, 2024. The Board will deliberate on all of the public comments at its regularly scheduled meeting.

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**DEPARTMENT OF TRANSPORTATION  
DIVISION OF TRANSPORTATION SOLUTIONS**

**PUBLIC NOTICE**  
**1207 Electronic Speed Monitoring System**

Pursuant to the authority provided by 21 Del.C. §4170A, the Delaware Department of Transportation (DelDOT) established an Electronic Speed Monitoring System (ESMS) program along qualifying roadways across the State of Delaware.

The Department, through its Division of Transportation Solutions seeks to adopt this regulation to administer the ESMS program, which is established in support of DelDOT's Highway Safety Improvement Program and, in particular, its Strategic Highway Safety Plan, which has identified speeding as an emphasis area to target the overall program goal of reducing fatalities and serious injuries on all public roads.

**Public Comment Period**

DelDOT will take written comments on the proposed Regulation 1207 of Title 2, Delaware Administrative Code, from December 1, 2023 through January 2, 2024. The public may submit their comments to:

Peter Haag, P.E.  
Chief of Traffic Engineering  
([Peter.Haag@delaware.gov](mailto:Peter.Haag@delaware.gov)) or in writing to his attention,  
Delaware Department of Transportation  
Division of Transportation Solutions  
169 Brick Store Landing Road  
Smyrna, DE 19977

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