

CALENDAR OF EVENTS/HEARING NOTICES

CALENDAR

September 2023

DELAWARE RIVER BASIN COMMISSION

PUBLIC NOTICE

The Commission's quarterly business meeting will be held on **Thursday, September 7, 2023 commencing at 10:30 a.m.** The business meeting will be held remotely. An agenda will be posted on the Commission's website, <https://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 <https://www.drbc.gov> or contact Patricia Hausler at patricia.hausler@drbc.gov.

Pamela M. Bush, J.D., M.R.P.
Commission Secretary and Assistant General Counsel

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/>

DEPARTMENT OF FINANCE

DIVISION OF REVENUE

PUBLIC NOTICE

Regulations Governing Tax Refund Intercept Claims of Other States

In accordance with 29 **Del.C.** §8303(7), the Delaware Department of Finance submits proposed regulations governing the tax refund intercept claims of other states authorized under 30 **Del.C.** §558.

Members of the public may receive a copy of the proposed regulations at no charge by sending a letter via U.S. mail or by emailing or calling the following Revenue contact person:

Donna Owens
820 N. French St., Eighth Floor
Wilmington, Delaware 19801
Donna.owens@delaware.gov
(302) 577-8682

Members of the public may present written comments on the proposed regulations by submitting such comments to Donna Owens as provided above. Written comments must be received on or before October 2, 2023.

The Director of Revenue is required under 30 **Del.C.** §558 to take certain steps to intercept a taxpayer's refund if a claimant government submits a proper certification to Revenue that details the taxpayer's tax debt owed to the claimant government. The proposed regulations impose certification and other requirements on claimant governments that request intercept of tax refunds. The proposed regulations also establish procedures for Revenue and claimant governments to follow in connection with the program and protest procedures for taxpayers.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF MEDICAID AND MEDICAL ASSISTANCE
PUBLIC NOTICE
Pharmacy Over the Counter (OTC) & Physician Administered Drugs (PAD)

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 Title XIX Medicaid State Plan regarding Pharmacy Over the Counter (OTC) & Physician Administered Drugs (PAD), specifically, to align state plan with current reimbursement and provide for future flexibility.

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, or by fax to 302-255-4413 by 4:30 p.m. on October 1, 2023. Please identify in the subject line: Pharmacy Over the Counter (OTC) & Physician Administered Drugs (PAD).

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 Medicaid and Medical Assistance
PUBLIC NOTICE
Ground Emergency Medical Transportation (GEMT)

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 Title XIX Medicaid State Plan regarding Ground Emergency Medical Transportation (GEMT), specifically, to increase Medicaid reimbursement for emergency transportation providers.

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, or by fax to 302-255-4413 by 4:30 p.m. on October 1, 2023. Please identify in the subject line: Ground Emergency Medical Transportation (GEMT)

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
1406 Third Party Administrators

Regulation 1406 implements 18 **Del.C.** §102(12) by setting forth regulations pertaining to third-party administrators. The purpose of the proposed amendment is to revise the responsibilities of insurers with respect to on-site audits of their contracted third-party administrators. Subsection 7.3 of Regulation 1406, in part, requires insurers to conduct semiannual reviews, including at least one on-site review, of the operations of their administrators. The purpose of the proposed update to this regulation is to allow for the required review of the operations of the administrator to be completed virtually or on-site.

The Department is also taking the opportunity of this proposal to make grammatical and formatting edits

throughout the regulation.

The proposed amendments appear below and may also be viewed on the Department of Insurance website at <http://insurance.delaware.gov/information/proposedregs/>. The Department will not be holding a public hearing on the proposed amendments.

Any person may file written comments, suggestions, briefs, and compilations of data or other materials concerning the proposed amendments to the regulation. Any written submission in response to this notice and relevant to the proposed amendments must be received by the Department of Insurance no later than 4:30 p.m. EST, the 2nd day of October 2023. Any such requests and any questions concerning connecting to the public hearing should be directed to:

Alisa L. Pritchard, Regulatory Specialist
Delaware Department of Insurance
1351 West North Street, Suite 101
Dover, DE 19904
(302) 674-7379
Email: doi-legal@delaware.gov

**DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL
CONTROL
DIVISION OF FISH AND WILDLIFE
PUBLIC NOTICE
3801 Shellfish Aquaculture**

The Shellfish Aquaculture regulation, 7 DE Admin. Code 3801, was approved prior to the initiation of shellfish aquaculture leasing as it was required in order to establish a legal framework for the leasing of state-owned subaqueous lands for aquaculture businesses. The proposed amendments 7 DE Admin. Code 3801 will update the regulation to incorporate current aquaculture practices, simplify compliance with the regulation for Inland Bays shellfish growers, and increase the efficiency of DNREC's administrative oversight of shellfish aquaculture leasing. Specifically, the proposed amendments include additions, modifications or deletions regarding: definitions, lease issuance and application procedures, aquaculture gear and lease area marking requirements, shellfish aquaculture species, shellfish cultivation, planting and harvesting requirements and timelines, reporting requirements, lease transfer, and prohibited activities.

The hearing record on the proposed changes to **3801 Shellfish Aquaculture** opens September 1, 2023 (Hearing Docket No. 2022-R-F-0014). The virtual public hearing will be held on Wednesday, September 27, 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: 875 4107 2704 Passcode: 884733. To access the audio-only portion of the virtual hearing, dial 1-646-931-3860 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 September 1, 2023 at 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.

Public comments will be received until close of business Thursday, October 12, 2023. Comments will be accepted in written form via email to DNRECHearingComments@delaware.gov, or by using the online form at <https://de.gov/dnreccomments>, or by U.S. mail to the following address:

Theresa Newman, Hearing Officer
DNREC - Office of the Secretary
89 Kings Highway, Dover, DE 19901
