



Office of the Registrar of Regulations,
Legislative Council,
State of Delaware

Delaware Register of Regulations

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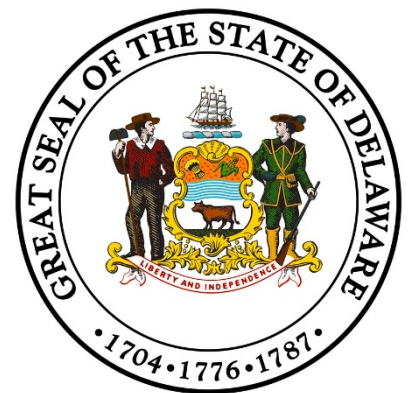
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Pursuant to 29 Del.C. Chapter 11, Subchapter III, this issue of the *Register* contains all documents required to be published, and received, on or before June 15, 2026.

Cover Photo
Legislative Hall

INFORMATION ABOUT THE DELAWARE REGISTER OF REGULATIONS

DELAWARE REGISTER OF REGULATIONS

The *Delaware Register of Regulations* is an official State publication established by authority of 69 *Del. Laws*, c. 107 and is published on the first of each month throughout the year.

The *Delaware Register* will publish any regulations that are proposed to be adopted, amended, or repealed and any emergency regulations promulgated.

The *Register* will also publish some or all of the following information:

- Governor's Executive Orders
- Governor's Appointments
- Agency Hearing and Meeting Notices
- Other documents considered to be in the public interest.

CITATION TO THE DELAWARE REGISTER

The *Delaware Register of Regulations* is cited by volume, issue, page number, and date. An example would be:

29 **DE Reg.** 1100 (06/01/26)

This refers to Volume 29, page 1100 of the *Delaware Register* issued on June 1, 2026.

SUBSCRIPTION INFORMATION

The cost of a yearly subscription (12 issues) for the *Delaware Register of Regulations* is \$135. Single copies are available at a cost of \$12 per issue, including postage. For more information contact the Division of Legislative Services at 302-744-4114 or 1-800-282-8545 in Delaware.

CITIZEN PARTICIPATION IN THE REGULATORY PROCESS

Delaware citizens and other interested parties may participate in the process by which administrative regulations are adopted, amended, or repealed, and may initiate the process by which the validity and applicability of regulations is determined.

Under 29 **Del.C.** §10115 whenever an agency proposed to formulate, adopt, amend, or repeals a regulation, it shall file notice and full text of the proposals as they relate to the existing regulation being adopted, amended, or repealed, with the Registrar for publication in the *Register of Regulations* pursuant to 29 **Del.C.** §1134. The notice shall describe the nature of the proceedings including a brief synopsis of the subject, substance, issues, possible terms of the agency action, a reference to the legal authority for the agency to act, and reference to any other regulations that may be impacted or affected by the proposal, and shall state the manner in which persons may present their views; if in writing, of the place to which and the final date by which such views may be submitted; or if at a public hearing, the date, time, and place of the hearing. If a public hearing is to be held, the hearing shall not be scheduled less than 20 days following publication of notice of the proposal in the *Register of Regulations*. If a public hearing will be held on the proposal, notice of the time, date, place, and a summary of the nature of the proposal shall also be published in at least 2 Delaware newspapers of general circulation. The notice shall also be mailed to all persons who have made timely written requests of the agency for advance notice of its regulations-making proceedings.

The opportunity for public comment shall be held open for a minimum of 30 days after the proposal is published in the *Register of Regulations*. At the conclusion of all hearings and after receipt, within the time allowed, of all written materials, upon all the testimonial and written evidence and information submitted, together with summaries of the evidence and information by subordinates, the agency shall determine whether a regulation should be adopted, amended, or repealed and shall issue its conclusion in an order which shall include: (1) A brief summary of the evidence and information submitted; (2) A brief summary of its findings of fact with respect to the evidence and information, except where a rule of procedure is being adopted or amended; (3) A narrative addressing the potential impact of the regulation on the State's greenhouse gas emissions reduction targets or a statement that the regulation

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does not; (4) A decision to adopt, amend, or repeal a regulation or to take no action and the decision is supported by its findings on the evidence and information received; (5) The exact text and citation of the regulation adopted, amended, or repealed; (6) The effective date of the order; (7) Any other findings or conclusions required by the law under which the agency has the authority to act; and (8) The signature of at least a quorum of the agency members.

The effective date of an order which adopts, amends, or repeals a regulation shall be not less than 10 days from the date the order adopting, amending, or repealing a regulation has been published in its final form in the *Register of Regulations*, unless the adoption, amendment, or repeal 29 **Del.C.** §10119.

Any person aggrieved by and claiming the unlawfulness of any regulation may bring an action in the Court for declaratory relief.

No action in an agency with respect to the making or consideration of a proposed adoption, amendment, or repeal of a regulation shall be subject to review until final agency action on the proposal has been taken.

When any regulation is the subject of an enforcement action in the Court, the lawfulness of the regulation may be reviewed by the Court as a defense in the action.

Except as otherwise provided by law, no judicial review of a regulation is available unless a complaint is filed in the Court within 30 days of the day the agency order with respect to the regulation was published in the *Register of Regulations*.

CLOSING DATES AND ISSUE DATES FOR THE DELAWARE REGISTER OF REGULATIONS

ISSUE DATE	CLOSING DATE	CLOSING TIME
August 1	July 15	4:30 p.m.
September 1	August 17	4:30 p.m.
October 1	September 15	4:30 p.m.
November 1	October 15	4:30 p.m.
December 1	November 16	4:30 p.m.
January 1	December 15	4:30 p.m.

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POLICE OFFICER STANDARDS AND TRAINING COMMISSION

Statutory Authority: 11 Delaware Code, Section 8404(a)(14) (11 Del.C. §8404(a)(14))
1 DE Admin. Code 801

ERRATA

801 Delaware Council on Police Training

***Please Note:** The Police Officer Standards and Training Commission proposed regulation for 801 Delaware Council on Police Training was published in the March 01, 2026 issue of the *Delaware Register of Regulations* (29 DE Reg. 762 (03/01/26)). The following subsections were inadvertently published incorrectly.

Subsection 1.1 was published as:

- 1.1 The objectives of ~~the Council on Police Training are:~~ POST is to encourage and increase the professional competency of police officers by:

Subsection 1.1 should have been published as:

- 1.1 The objectives of ~~the Council on Police Training are:~~
4.1.4 To POST is to encourage and increase the professional competency of police officers by:

Subsection 3.11 was published as:

- 3.11 ~~A Applicants shall be disqualified for a bad conduct or dishonorable discharge from military . shall disqualify the applicant. Any discharge, other than above, which is not honorable, may also be grounds for rejection, determination to be made by the hiring agency in conjunction with the Administrator.~~

Subsection 3.11 should have been published as:

- 3.11 ~~A Applicants shall be disqualified for a bad conduct or dishonorable discharge from military service service. shall disqualify the applicant. Any discharge, other than above, which is not honorable, may also be grounds for rejection, determination to be made by the hiring agency in conjunction with the Administrator.~~

Subsection 8-2.4 ~~8.2.5~~ was published as:

- ~~8.2.48.2.5 If not employed on a permanent basis for a period of greater than 60 months, an individual must satisfy all requirements imposed by the Administrator following a review of the individual's training history and after approval by the Council. If the period of unemployment on a permanent basis by a Department exceeds 5 years, the officer must fulfill the above requirements in subsection 8.2.3 and also attend and complete a full approved academy.~~

Subsection 8-2.4 ~~8.2.5~~ should have been published as:

- ~~8.2.48.2.5 If not employed on a permanent basis for a period of greater than 60 months, an individual must satisfy all requirements imposed by the Administrator following a review of the individual's training history and after approval by the Council. If the period of unemployment on a permanent basis by a Department exceeds 5 years, the officer must fulfill the above requirements in subsection 8.2.3 and also attend and complete a full approved academy.~~

This regulation is corrected and being published as a final regulation in the July 01, 2026 issue of the *Register*.

Symbol Key

Arial type indicates the text existing prior to the regulation being promulgated. Underlined text indicates new text. Language which is stricken through indicates text being deleted.

Proposed Regulations

Under 29 **Del.C.** §10115 whenever an agency proposes to formulate, adopt, amend or repeal a regulation, it shall file notice and full text of such proposals, together with copies of the existing regulation being adopted, amended or repealed, with the Registrar for publication in the *Register of Regulations* pursuant to §1134 of this title. The notice shall describe the nature of the proceedings including a brief synopsis of the subject, substance, issues, possible terms of the agency action, a reference to the legal authority of the agency to act, and reference to any other regulations that may be impacted or affected by the proposal, and shall state the manner in which persons may present their views; if in writing, of the place to which and the final date by which such views may be submitted; or if at a public hearing, the date, time and place of the hearing. If a public hearing is to be held, such public hearing shall not be scheduled less than 20 days following publication of notice of the proposal in the *Register of Regulations*. If a public hearing will be held on the proposal, notice of the time, date, place and a summary of the nature of the proposal shall also be published in at least 2 Delaware newspapers of general circulation. The notice shall also be mailed to all persons who have made timely written requests of the agency for advance notice of its regulation-making proceedings.

DEPARTMENT OF AGRICULTURE**STANDARDBRED BREEDERS' FUND****Standardbred Breeders' Fund Board**

Statutory Authority: 3 Delaware Code, Section 10081(c) (3 **Del.C.** §10081(c))
3 **DE Admin. Code** 502

PROPOSED**PUBLIC NOTICE****502 Standardbred Breeders' Fund Regulations**Summary

The Delaware Standardbred Breeders' Fund Board proposes to amend its Regulation adopted in accordance with Title 3, Section 10081(c) of the Delaware Code. The proposed changes include amendments to Sections 3.0, 4.0, 13.0 and 14.0. The proposed changes to Section 3.0 include deleting subsection 3.1 as no longer relevant, amending existing subsection 3.2 to include a late supplemental payment for horses not registered by the May 15th of the horse's yearling year which will be accepted if it is received by March 15th of the horse's 2-year-old year, and deleting the subsection designations consistent with the *Delaware Administrative Code Drafting and Style Manual*. The proposed changes to Section 4.0 include deleting subsection 4.2 as no longer relevant, amending existing subsection 4.1 to provide that the bonus payment percentages are a minimum percentage rather than a set amount and expand eligibility for bonus payments to include 3-year-olds, and deleting the subsection designations consistent with the *Delaware Administrative Code Drafting and Style Manual*. The proposed changes to Section 13.0 include amending subsection 13.6.5 to provide that the minimum purse for consolation races shall be \$15,000 and making other technical and style changes to subsections 13.1, 13.6, and 13.6.3 consistent with the *Delaware Administrative Code Drafting and Style Manual*. The proposed changes to Section 14.0 include amending subsection 14.2 to make clear that payment due dates falling on a weekend or a state or federal holiday are extended to the following business day, amending subsection 14.5 to clarify that the 2-year-old sustaining payment is due on April 15th and to include a late supplemental payment for horses not registered by May 15th of the horse's yearling year which will be accepted if it is received by March 15th of the horse's 2-year-old year, and making other technical and style changes to subsections 14.3, 14.4, and 14.5 consistent with the *Delaware Administrative Code Drafting and Style Manual*. Other regulations issued by the Department are not affected by this proposal. The Department is issuing this proposed regulation in accordance with Title 3 of the Delaware Code. This notice is issued pursuant to the requirements of Chapter 101 of Title 29 of the Delaware Code.

Comments

A copy of the proposed regulation is being published in the July 1, 2026 edition of the *Delaware Register of Regulations*. A copy is also on file in the office of the Delaware Department of Agriculture, 2320 South DuPont Highway, Dover, Delaware 19901 and is available for inspection during regular office hours. Copies are also published online at the *Register of Regulations* website: https://regulations.delaware.gov/register/current_issue.shtml.

Interested parties may offer written comments on the proposed regulations or submit written suggestions, data, briefs or other materials to the Delaware Standardbred Breeders' Fund Board at the above address as to whether this proposed regulation should be adopted, rejected or modified. Pursuant to 29 Del.C. §10118(a), public comments must be received on or before July 31, 2026. Written materials submitted will be available for inspection at the above address.

***Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del. C. Ch. 104, is available at:**

<https://regulations.delaware.gov/register/july2026/proposed/30 DE Reg 8RFA 07-01-26.pdf>

502 Standardbred Breeders' Fund Regulations

(Break in Continuity of Sections)

3.0 Eligibility for Delaware-bred Races

- 3.1 ~~To be eligible for races under the Program for race year 2004, the horse shall be a Delaware sired 2-year old registered with the Administrator by May 15th of its yearling year or a 3-year old product of a 100% wholly owned mare at the time of breeding through foaling by a Delaware resident, which mare shall have been registered with the Department of Agriculture by March 1, 2000 and said 3-year old registered with the Administrator by May 15th of its yearling year.~~
- 3.2 ~~To be eligible for races under the Program for race year 2005 and thereafter, Program, the horse shall be a Delaware sired 2 or 3-year old 2-year-old or 3-year-old registered with the Administrator by May 15th 15 of its yearling year. If the horse is not registered by May 15 of its yearling year, a late supplemental payment is required. The late supplemental payment is in addition to the 2-year-old sustaining payment due on April 15 and will be accepted if it is received by March 15 of the horse's 2-year-old year.~~

4.0 Eligibility of Breeders for Bonus Payments

- 4.1 ~~Bonus-Minimum bonus payments of 8% of money earned in the Program by a foal shall be paid to the owner of the mare at the time of breeding that is bred to Delaware sires to produce that foal. Bonus-Minimum bonus payments of 2% of money earned in the Program by a foal shall be paid to owners of stallions standing in Delaware. In order for a Delaware-bred horse to be eligible to earn an award for its breeder, in a race conducted by a licensed harness race track in Delaware, the foals, mares, and stallions shall be registered in accordance with these regulations with the Administrator of the Breeders' Program prior to entry for the race. In race year 2002, bonus payments shall be restricted to 2-year-olds. Bonus payments shall be restricted to 2-year-olds and 3-year-olds.~~
- 4.2 ~~Beginning in race year 2018, the 4-year old bonus program will be terminated.~~

(Break in Continuity of Sections)

13.0 Races

- 13.1 ~~The purses for all races for 2 and 3-year old 2-year-old and 3-year-old horses under this Breeders' Program shall be distributed on the following percentage basis: 50-25-12-8-5. Walkovers receive 50% of the purse. Points to qualify for the finals shall be distributed on the same percentage basis. In fields with more than 5 horses, places 6 through 8 shall receive 4-3-2 points, respectively.~~
- 13.2 ~~In the case of a tie in points, the fastest time in either elimination shall determine the horse eligible to enter the final. In the case of horses tied in points that have recorded identical times, the amount of the horses' lifetime earnings will decide the horse eligible to enter the final. In the case where points, times, and lifetime earnings are equal, the eligible horse shall be drawn by lot. All horses must start in 1 elimination in order to start in the final. All horses shall be on the gate in eliminations and the final.~~
- 13.3 ~~The percentage basis established by subsection 13.1 shall apply at each of the associations licensed by the Delaware Harness Racing Commission.~~

PROPOSED REGULATIONS

- 13.4 If circumstances prevent the racing of an event, and the race is not drawn, all stake payments shall be refunded to the purse account of the Program.
- 13.5 The monies provided for purses and bonus payments shall be distributed evenly between the races of each:
- 13.5.1 Age;
 - 13.5.2 Sex; and
 - 13.5.3 Gait.
- 13.6 ~~Beginning in 2004, the~~The minimum purse for elimination races for ~~2 and 3-year-old~~2-year-old and 3-year-old trotters and pacers shall be \$15,000 and the finals shall be \$100,000. The Board of the Program, pursuant to a recommendation from the Administrator of the Program, may agree to increase purses should funds and other conditions permit, or decrease purses in the event of insufficient funds.
- 13.6.1 Consolation races will be held by gait and sex if at least 5 horses declare to start. If there are at least 5 horses declared, but fewer than 8 horses of the same sex, horses of the other sex shall be drawn in to complete a full field of 8, provided there is no consolation race for that sex. Eligibility in a combined consolation race for that sex which did not have enough entries for a separate consolation race will be based on the point system used to determine eligibility within its own division.
 - 13.6.2 If fewer than 5 horses declare to start in both sexes of the same gait, the sexes shall be combined provided there are at least 5 horses declared to start after the sexes are combined.
 - 13.6.3 Horses of opposite sex shall be combined per the above unless the owner or his/~~her~~the owner's agent notes at time of declaration that the declaration be withdrawn should the sexes be combined.
 - 13.6.4 Any horse qualifying for the final is not eligible for the consolation.
 - 13.6.5 ~~Consolation races shall race for the same purse as a leg.~~The minimum purse for consolation races shall be \$15,000.
- 13.7 No horse is eligible to declare unless it has at least 1 charted satisfactory performance line within 60 days of declaration and must meet the following qualifying standards:

2 Year Olds		3 Year Olds	
Pacers	Trotters	Pacers	Trotters
2:08	2:10	2:06	2:09

- 13.8 Horses that meet the qualifying standards for a preliminary leg at each racetrack are qualified for all subsequent legs consolation and the final at that racetrack.
- 13.9 The Administrator of the Program shall be responsible for races conducted under the Program and shall ensure that:
- 13.9.1 Each track declares the time specified for races under this program by proper notice and racing dates are issued for sires stakes after the track's race dates are set.
 - 13.9.2 Entry for races run under the Program is required to be received by the Racing Office at the date and time specified on the track condition sheet.
 - 13.9.3 The eligibility and class of all horses participating in races is carefully screened.
 - 13.9.4 The Administrator, or the Administrator's designee, is present for the race draw by the Judges for all races conducted under the Program.

14.0 Nomination and Sustaining Payments

- 14.1 Nomination and sustaining payments shall be made to the Program in U.S. funds.
- 14.2 A fee payment required by this ~~section~~Section shall be postmarked no later than the due date that is specified for the fee by this ~~section~~Section. ~~If the date due is on a Sunday or a legal federal holiday which falls on a Saturday, payment is due by the following Monday. If the due date falls on a Monday that is a legal holiday, such payment is due on Tuesday.~~Section. If the due date falls on a weekend or a state or federal holiday, the due date shall be extended to the following business day. Payment made by commercial delivery services shall be treated the same as those made by letters bearing a postmark.
- 14.3 ~~Beginning with the yearlings of 2001, the yearling nomination fee shall be:~~The yearling nomination fee shall be \$40 per yearling and is due by May 15 of the horse's yearling year.
- ~~14.3.1 Forty dollars each; and~~
 - ~~14.3.2 Due by May 15th of the yearling year.~~
- 14.4 A nomination shall be accompanied by a photocopy of the United States Trotting Association registration certificate. Supplemental fees of \$25 shall be assessed if the USTA registration certificate does not

accompany the nomination. No nomination shall be accepted where a USTA registration certificate is not obtained and submitted within 60 days of nomination to the Delaware Standardbred ~~Breeder's~~ Breeders' Program.

- 14.5 ~~If the May 15th deadline to nominate a yearling is missed, a late supplemental payment of \$350 shall be required. The late supplemental payment shall be accepted if it is received by March 15th of the 2-year-old year. This payment is in addition to the regular sustaining payment due on March 15th. If a yearling is not nominated by the May 15 deadline, a late supplemental payment of \$350 is required. The late supplemental payment is in addition to the 2-year-old sustaining payment due on April 15 and will be accepted if it is received by March 15 of the horse's 2-year-old year.~~

- 14.6 Sustaining payments shall be as follows:

14.6.1 Two Year Old payments

14.6.1.1 April ~~15th~~15 \$300

14.6.1.2 June ~~4th~~1 \$1,000 (Late payment if April ~~15th~~15 payment is missed)

14.6.1.3 Declaration Fee \$500 (for each track)

14.6.2 Three Year Old payments

14.6.2.1 February ~~15th~~15 \$300

14.6.2.2 Declaration Fee \$500 (for each track)

***Please Note: As the rest of the sections were not amended, they are not being published. A copy of the regulation is available at:**

<https://regulations.delaware.gov/register/july2026/proposed/30 DE Reg 8 07-01-26>

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 1315 (14 **Del.C.** §1315)

14 **DE Admin. Code** 727

PROPOSED

PUBLIC NOTICE

727 Credit for Experience for Educators and for Secretarial Staff

A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to **14 Del.C. §1315**, the Delaware Department of Education ("Department") developed amendments to **14 DE Admin. Code 727** Credit for Experience for Educators and for Secretarial Staff. The Department reviewed this regulation in compliance with **29 Del.C. §10407** which requires regulations to be reviewed on a recurring basis every four years. The Department made significant changes to the regulation as well as amended to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://de.gov/doeregs> by the close of business (4:30 p.m. EST) on or before July 31, 2026. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? No.
2. Will the amended regulation help ensure that all students receive an equitable education? No.
3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? No.

4. Will the amended regulation help to ensure that all students' legal rights are respected? No.
5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? Yes.
6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? No.
7. Will the decision-making authority and accountability for addressing the subject to be regulated be placed in the same entity? No.
8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts and social studies? Yes.
9. Is there a less burdensome method for addressing the purpose of the regulation? No.
10. What is the cost to the State and to the local school boards of compliance with the regulation? Not applicable.

***Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del. C. Ch. 104, is available at:**

<https://regulations.delaware.gov/register/july2026/proposed/30 DE Reg 11RFA 07-01-26.pdf>

727 Credit for Experience for Educators and for Secretarial Staff

1.0 **Educators Graduating from a 5 Year or 4 Year Preservice Program**Content

This regulation is for determining salary in accordance with 14 Del.C. Ch.13 and must be used for those paid in accordance with [14 Del.C. §1305](#).

2.0 **Definitions**

1.1 ~~Definitions~~

1.1.1 The following words and terms when used in this ~~subsection~~regulation shall have the following meaning unless the context clearly indicates otherwise:meaning:

"Eligible Employee" includes, but is not limited to, teachers, nurses, librarians, psychologists, therapists, and counselors paid in accordance with 14 Del.C. §1305 that were hired into their first professional position after June 30, 2001 and zero years of experience. The exception to the zero years of experience would be an employee who qualified for military experience credit under 14 Del.C. §1312(a) and 14 DE Admin. Code 706.

"Five Year Preservice Program" means a regionally accredited college or university five year planned degree program which includes an extensive clinical component or internship in the fifth year.

"Four Year Preservice Program" means a regionally accredited college or university four year preservice undergraduate bachelor degree program.

"4-year preservice program" means an accredited college or university's 4-year undergraduate bachelor degree program completed prior to the start of the individual's relevant employment.

"5-year preservice program" means an accredited college or university's 5-year planned degree program, which includes an extensive clinical component or internship in year 5 completed prior to the start of the individual's relevant employment.

"Accredited" means institutional accreditation by an accrediting agency that is recognized by the United States Secretary of Education and the Delaware Department of Education.

"Creditable experience" or "credit for experience" means years of service in a public or a regular organized private school, as defined in 14 DE Admin. Code 255, as listed in the "Yrs of Exp" column on the indexed salary schedule in [14 Del.C. §1305\(a\)](#).

"Full-time employment" means employed in a position which requires at least 91 days or 682 hours during any school year.

"Grade Point Average (GPA)" means the grade point average (GPA) stated on the official transcript of the regionally accredited college or university granting the bachelor's degree in the Four Year Preservice Program.

"Regular part-time" means employed in a position which requires at least 50 hours per month for at least 9 months during any school year.

"School year" means a 12 consecutive month period generally from August 1 through July 31.

- 1.2 Pursuant to ~~14 Del.C. §1312(a)~~, one year of experience on the applicable state salary schedule shall be granted to:
- 1.2.1 A graduate of a four year preservice program who graduates with a GPA of 3.75 or higher on a 4.0 scale or the equivalent; or
- 1.2.2 A graduate of a five year preservice program as defined above.
- 1.3 An employee eligible for one year of credited experience shall meet the definition of Eligible Employee in 1.1 and meet the requirements of 1.2.

2.0 Administrators

No credit for experience shall be given for part time employment in administrative or supervisory positions.

3.0 Teachers Experience

- 3.1 Days taught as a substitute or as a paraeducator may not be used toward credit for experience; however, employment as a teacher on a regular part time basis may be used toward credit for experience.
- 3.1.1 A "regular part time" employee is one who is employed in a position which requires at least 50 hours per month for at least 9 months during any 12 consecutive month period.
- 3.1 For the purposes of determining salary in accordance with 14 Del.C. §1305(a), each year of full-time employment shall constitute 1 year of experience. For individuals employed as teachers of trades and industries, or as a coordinator of distributive education, 131 working days in any school year shall constitute 1 year of work experience.
- 3.2 No more than 1 year of experience may be credited for any 1 calendar year.
- 3.3 One year of creditable experience on the applicable state salary schedule will be granted to:
- 3.3.1 Individuals paid in accordance with 14 Del.C. §1305 that were hired into their first professional position after June 30, 2001; and
- 3.3.2 Graduated from a 4-year preservice program with a grade point average of 3.75 or higher on a 4.0 scale or the equivalent; or
- 3.3.3 Graduated from a 5-year preservice program that includes an extensive clinical component in year 5; or
- 3.3.4 Who have completed a year-long Delaware institute of higher education residency program and met all other requirements under 14 Del.C. §1281; or
- 3.3.5 Met the requirements stated in 14 Del.C. §1312.

4.0 Secretarial StaffPart-Time Employment

Secretaries may be granted one (1) year of experience for each creditable year of experience as a secretary in private business, public or private school, or other governmental agency.

- 4.1 One year of regular part-time employment will equal 0.5 years of creditable experience.
- 4.2 No credit for experience will be given for part-time employment in administrative or supervisor positions prior to July 1, 2026.
- 4.3 Days taught as a substitute or paraeducator may not be used toward credit experience.
- 4.4 Administrative assistants will be granted 1 year of creditable experience for each year of experience as an administrative assistant in private business, public or private school, non-profit organization, or governmental agency. Administrative assistant means a professional who performs key clerical, organizational, and operational tasks to support office efficiency, acting as a liaison for management. Titles may include secretary, administrative aide, administrative specialist, and executive assistant.

5.0 Creditable ExperienceWork Outside Delaware

Creditable experience includes experience obtained while working outside of Delaware.

6.0 Applicability

This regulation applies to the determination of creditable experience for salary purposes only, and only and does not apply to the determination of creditable experience for pension purposes which is specified in 29 Del.C. Ch. 55. Laws on employment and salary for administrators, teachers, and secretaries are found in 14 Del.C. Ch. 13.

PROPOSED REGULATIONS

OFFICE OF THE SECRETARY DIAA

Statutory Authority: 14 Delaware Code, Section 303 (14 Del.C. §303)
14 DE Admin. Code 1043

PROPOSED

PUBLIC NOTICE

1043 Officials

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 Del.C. §303, the Delaware Interscholastic Athletic Association Board of Directors ("Board") proposes amendments to 14 DE Admin. Code 1043 Officials in order to increase officials fees commensurate with the average state employee increase based on the annual recommended budget for the state that is released in late January of each year in accordance with subsection 5.6 of this regulation. The proposed changes also clarify that volleyball officials are only required to take one NFHS rules interpretation clinic per school year. Finally, the proposed changes clarify that boys' and girls' basketball and lacrosse have the same guidelines for numbers of officials per game. The proposed amendments include grammatical and style changes to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/governance/regulations-code/post-a-comment/> by the close of business (4:30 p.m. EST) on or before July 31, 2026. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation concerns officials and is not designed to help improve student achievement as measured against state achievement standards.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation concerns officials and is not designed to improve or have any effect on the receipt of an equitable education.

3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation is not designed to affect student health and safety.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The proposed change is not designed to affect students' legal rights.

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amendment is consistent with the current regulation and will therefore have no effect on the authority and flexibility of decision makers at the local board and school level.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation will not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels.

7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The Board enforces the regulations relating to interscholastic athletics in Delaware (14 Del.C. §304).

8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies? The amended regulation will have no effect on state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies.

9. Is there a less burdensome method for addressing the purpose of the amended regulation? There is not a less burdensome method for addressing the purpose of this amended regulation.
10. What is the cost to the state and to the local school boards of compliance with the amended regulation? The amendment is consistent with the current regulation and will have a small cost to the state or local school boards in order to recruit and maintain officials for all interscholastic athletic events.

***Please Note:**

(1) The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:

<https://regulations.delaware.gov/register/july2026/proposed/30 DE Reg 14RFA 07-01-26.pdf>

(2) Due to the size of the proposed regulation, it is not being published here. A copy of the regulation is available at:

<https://regulations.delaware.gov/register/july2026/proposed/30 DE Reg 14 07-01-26>

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF MEDICAID AND MEDICAL ASSISTANCE
Statutory Authority: 31 Delaware Code, Section 512 (31 Del.C. §512)

PROPOSED

PUBLIC NOTICE

Glucagon-Like Peptide-1 (GLP-1)

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 Title XIX Medicaid State Plan regarding Glucagon-Like Peptide-1 (GLP-1), specifically, to broaden the language in the State Plan with guidance from CMS, to provide the state with increased flexibility to determine coverage of drugs for anorexia, weight loss, and weight gain without additional changes to the State Plan.

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 July 31, 2026. Please identify in the subject line: Glucagon-Like Peptide-1 (GLP-1)

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.

SUMMARY OF PROPOSAL

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) is proposing to amend the Title XIX Medicaid State Plan regarding GLP-1.

Statutory Authority

- 42 CFR §440.120

Background

This change is administrative in nature. It aligns the State Plan language with current coverage practice and is not intended to change which medications/agents/drugs are covered or the criteria for coverage. The category of drugs to treat weight conditions is undergoing rapid change. The state seeks to update the language in the State Plan to increase flexibility to determine coverage of these medications, including participation in federal and manufacturer models designed to improve access and improve pricing, without the need to make additional changes to the State Plan. The proposed change removes specific language about state coverage of weight loss drugs and replaces it with more general language that indicates that select agents for anorexia, weight loss, and weight gain will be covered as listed

on the state's website. This change enables the state to determine and communicate coverage of drugs for these indications directly through the state's website.

Summary of Proposal

Purpose

The purpose of this proposed regulation is to be able to provide the state with increased flexibility to determine coverage of drugs for anorexia, weight loss, and weight gain without additional changes to the State Plan.

Summary of Proposed Changes

Effective January 1, 2026, the DHSS/DMMA proposes to amend the Title XIX Medicaid State Plan to clarify criteria for GLP-1.

Public Notice

In accordance with the *federal* public notice requirements established in Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 440.386 and the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DMMA gives public notice and provides an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments must be received by 4:30 p.m. on July 31, 2026.

Centers for Medicare and Medicaid Services Review and Approval

The provisions of this state plan amendment (SPA) are subject to approval by the Centers for Medicare and Medicaid Services (CMS). The draft SPA page(s) may undergo further revisions before and after submittal to CMS based upon public comment and/or CMS feedback. The final version may be subject to significant change.

Provider Manuals and Communications Update

Also, there may be additional provider manuals that may require updates as a result of these changes. The applicable Delaware Medical Assistance Program (DMAP) Provider Policy Specific Manuals and/or Delaware Medical Assistance Portal will be updated. Manual updates, revised pages or additions to the provider manual are issued, as required, for new policy, policy clarification, and/or revisions to the DMAP program. Provider billing guidelines or instructions to incorporate any new requirement may also be issued. A newsletter system is utilized to distribute new or revised manual material and provide other pertinent information regarding DMAP updates. DMAP updates are available on the Delaware Medical Assistance Portal website: <https://medicaid.dhss.delaware.gov/provider>

Fiscal Impact

There is no anticipated fiscal impact.

***Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del. C. Ch. 104, is available at:**

<https://regulations.delaware.gov/register/july2026/proposed/30 DE Reg 15RFA 07-01-26.pdf>

Glucagon-Like Peptide-1 (GLP-1)

***Please Note: Due to formatting of certain amendments to the regulation, they are not being published here. A copy of the document is available at:**

<https://regulations.delaware.gov/register/July2026/3B9B6DBB-6589-4A36-BE21-B26856E72952>

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)

16 **DE Admin. Code** 14000

PROPOSED

PUBLIC NOTICE

14000 Medicaid General Eligibility Requirements

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), specifically, to amend the retroactive eligibility requirements to comply with federal regulations.

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 by mail 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 July 31, 2026. Please identify in the subject line: Retroactive Eligibility Determination

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.

SUMMARY OF PROPOSAL

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) is proposing to amend the Division of Social Services Manual (DSSM), regarding Retroactive Eligibility Determination.

Statutory Authority

- 42 CFR §435.915

Background

Delaware Medicaid proposes implementing a six-month time limitation for requesting retroactive eligibility determinations measured from the date of application or, for Supplemental Security Income Medicaid, from the date the agency receives the Social Security data exchange. Implementing a six-month time limit for requesting a determination of retroactive eligibility will reduce systemic challenges that staff encounter in processing retroactive eligibility determinations and align with upcoming 2027 regulatory changes.

Summary of Proposal

Purpose

The purpose of this proposed regulation is to amend the retroactive eligibility requirements to comply with federal regulations.

Summary of Proposed Changes

Effective October 1, 2026, the DHSS/DMMA proposes to amend the DSSM regarding retroactive eligibility.

Public Notice

In accordance with the *federal* public notice requirements established in Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 440.386 and the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DMMA gives public notice and provides an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments must be received by 4:30 p.m. on July 31, 2026.

Provider Manuals and Communications Update

Also, there may be additional provider manuals that may require updates as a result of these changes. The applicable Delaware Medical Assistance Program (DMAP) Provider Policy Specific Manuals and/or Delaware Medical Assistance Portal will be updated. Manual updates, revised pages or additions to the provider manual are issued, as required, for new policy, policy clarification, and/or revisions to the DMAP program. Provider billing guidelines or instructions to incorporate any new requirement may also be issued. A newsletter system is utilized to distribute new or revised manual material and provide other pertinent information regarding DMAP updates. DMAP updates are available on the Delaware Medical Assistance Portal website: <https://medicaid.dhss.delaware.gov/provider>

Fiscal Impact

There is no fiscal impact.

***Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del. C. Ch. 104, is available at:**

<https://regulations.delaware.gov/register/july2026/proposed/30 DE Reg 16RFA 07-01-26.pdf>

14000 Medicaid General Eligibility Requirements

(Break in Continuity of Sections)

14920.2 Retroactive Coverage Of Medical Bills

Individuals or families who apply for Medicaid and who may be eligible for Diamond State Health Plan or the Diamond State Health Plan Plus may be eligible for retroactive Medicaid coverage of any unpaid medical bills incurred in any of

the three months prior to the month in which they applied. However, certain requirements must be met in order for these bills to be paid under Medicaid.

- a. The client must have been eligible in all respects for Medicaid in one of the retroactive eligibility categories in the month(s) that the medical services were received (including Delaware residency).
- b. The medical bill must be for a service covered by Medicaid.
- c. The client did not have any third party coverage that would have been responsible for paying the bill.
- d. The medical service must have been given by a provider who was a participant in the Delaware Medicaid program at the time of service. If the provider was not enrolled at the time of the service, the provider may enroll retroactively (up to 12 months).

14920.3 — Retroactive Coverage Time Limits to Request Retroactive Eligibility

~~There is no time limitation on requests for retroactive coverage. They may be processed at any time.~~

~~Requests for Medicaid retroactive eligibility are limited to:~~

~~-Six months from the date of application; or~~

~~-Six months from the date the agency receives the Social Security data exchange for those individuals determined eligible for Supplemental Security Income (SSI) Medicaid.~~

~~See Section 14920.2 Retroactive Coverage of Medical Bills.~~

***Please Note: As the rest of the sections were not amended, they are not being published. A copy of the regulation is available at:**

<https://regulations.delaware.gov/register/july2026/proposed/30 DE Reg 16 07-01-26>

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF AIR QUALITY

Statutory Authority: 7 Delaware Code, Sections 6044(c) and 10003(g) (7 Del.C. §§6044(c) & 10003(g))

7 DE Admin. Code 1147

PROPOSED

PUBLIC NOTICE

1147 CO2 Budget Trading Program

SAN # 2026-02
DOCKET # 2026-R-A-0003

BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

Since 2009, Delaware and nine other states have implemented a regional program to reduce CO2 emissions; known as the Regional Greenhouse Gas Initiative (RGGI). In 2025, Delaware and other participating states finalized revisions to the RGGI program. The purpose of this action is to amend **7 DE Admin. Code 1147** to reflect these revisions. The proposed amendments to 1147 will include an adjustment in Delaware's portion of the regional cap beginning in 2027-2037; replacing Emissions Containment Reserve with increased minimum reserve price; amending the quantity of allowances in the Cost Containment Reserve; adding an additional Cost Containment Reserve; updating the regional base CO2 allowance amount; removing Offsets from RGGI design beginning in 2027 and other minor program adjustments.

POSSIBLE TERMS OF THE AGENCY ACTION:

None

OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:

None

NOTICE OF PUBLIC COMMENT:

A virtual public hearing (Docket # 2026-R-A-0003) will be held on Tuesday, July 28, 2026 beginning at 6 p.m. The web link to the virtual hearing can be accessed through the DNREC Public Hearings site at <https://de.gov/dnrehearings>. If prompted for a password, please use: 004071. To access the audio-only portion of the virtual hearing, dial 1-929-205-6099 and enter the Meeting ID 883 5048 7609. Language assistance is available by request within 10 business days of the hearing. Closed captioning is available via the Zoom virtual meeting tool.

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 at <https://de.gov/dnrecomments> or by telephone at 302-739-9001. The proposed amendments may be inspected online starting July 1, 2026 at https://regulations.delaware.gov/register/current_issue, or in-person, by appointment only, by contacting Valerie Gray by phone at 302-739-9402 or by email at Valerie.Gray@delaware.gov.

The Department will accept public comment through the close of business on Friday, August 14, 2026. Comments will be accepted in written form via email to DNRECHearingComments@delaware.gov, or by using the online form at <https://de.gov/dnrecomments>, or by U.S. mail to the following address:

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

***Please Note:**

(1) The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:

<https://regulations.delaware.gov/register/july2026/proposed/30 DE Reg 18RFA 07-01-26.pdf>

(2) Due to the size of the proposed regulation, it is not being published here. A copy of the regulation is available at:

<https://regulations.delaware.gov/register/july2026/proposed/30 DE Reg 18 07-01-26>

DIVISION OF PARKS AND RECREATION

Statutory Authority: 7 Delaware Code, Section 4701(a)(4) (7 Del.C. §4701(a)(4))
7 DE Admin. Code 9201

PROPOSED**PUBLIC NOTICE****9201 Regulations Governing State Parks**

SAN # 2025-09

DOCKET # 2025-R-P-0017

BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

Proposed regulations changes to amend current regulations to be in compliance with Delaware Code and to formalize programs and initiatives added or changed since the last review of the code.

POSSIBLE TERMS OF THE AGENCY ACTION:

None

OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:

The agency does not believe that other regulations will be impacted.

NOTICE OF PUBLIC COMMENT:

A virtual public hearing (Docket #2025-R-P-0017) will be held on Wednesday, August 5, 2026, beginning at 6:00 pm. The web link to the virtual hearing can be accessed through the DNREC Public Hearing site at DNREC Public Hearings

- DNREC. If prompted, use Meeting ID: 892 7738 9404 and Passcode: 497132. To access the audio-only portion of the virtual hearing, dial 1-309-205-3325 and enter the Meeting ID and Passcode noted above. Language assistance is available by request within 10 business days of the hearing. Closed captioning is available via the Zoom virtual meeting tool.

Those wishing to offer verbal comments during DNREC public hearings must pre-register no later than noon on the date of the virtual hearing at <https://dnrec.delaware.gov/public-hearings/comments/registration/> or by telephone at 302-739-9001.

The proposed amendments may be inspected online starting July 1, 2026, (when the Monthly Register is published) at https://regulations.delaware.gov/register/current_issue, or in-person, by appointment only by contacting Kristie Wyatt by phone at 302-739-9192 or by email at kristie.wyatt@delaware.gov.

Public comments will be accepted through the close of business on Thursday, August 20, 2026. Comments will be accepted in written form via email to DNRECHearingComments@delaware.gov, or by using the online form at <https://dnrec.delaware.gov/public-hearings/comment-form/>, or by US mail to the following address:

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

***Please Note:**

(1) The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:

<https://regulations.delaware.gov/register/july2026/proposed/30 DE Reg 19RFA 07-01-26.pdf>

(2) Due to the size of the proposed regulation, it is not being published here. A copy of the regulation is available at:

<https://regulations.delaware.gov/register/july2026/proposed/30 DE Reg 19 07-01-26>

DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

Board of Examiners in Optometry

Statutory Authority: 24 Delaware Code, Section 2104(a)(1) (24 Del.C. §2104(a)(1))
24 DE Admin. Code 2100

PROPOSED

PUBLIC NOTICE

2100 Board of Examiners in Optometry

The Delaware Board of Examiners in Optometry, pursuant to 24 Del.C. § 2104(a)(1), proposes to amend its regulations to clarify who may supervise an optometry intern and what is considered a passing score of the examination given by the National Board of Examiners in Optometry. The proposed changes also eliminate provisions which are duplicative of the statute and implement grammar and style changes to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Anyone who would like to present their views regarding this matter may do so in writing by submitting them to the Division of Professional Regulation. Written comments should be sent to Maya Echols, Administrator of the Delaware Board of Examiners in Optometry, Cannon Building, 861 Silver Lake Blvd, Suite 203, Dover, DE 19904. Written comments will be accepted until July 31, 2026.

***Please Note:**

(1) The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:

<https://regulations.delaware.gov/register/july2026/proposed/30 DE Reg 20RFA 07-01-26.pdf>

(2) Due to the size of the proposed regulation, it is not being published here. A copy of the regulation is available at:

<https://regulations.delaware.gov/register/july2026/proposed/30 DE Reg 20 07-01-26>

**DIVISION OF PROFESSIONAL REGULATION
Board of Professional Land Surveyors**

Statutory Authority: 24 Delaware Code, Section 2706(a)(1) (24 Del.C. §2706(a)(1))
24 DE Admin. Code 2700

PROPOSED

PUBLIC NOTICE

2700 Board of Professional Land Surveyors

Pursuant to 24 Del.C. § 2706(a)(1), the Delaware Board of Professional Land Surveyors ("Board") has proposed revisions to its regulation.

Proposed amendments to subsection 9.3 clarify and update the requirements for late renewal of a licensee or certificate holder's license or certificate.

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

Anyone wishing to receive a copy of the proposed regulation may obtain a copy from the Delaware Board of Professional Land Surveyors, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Michelle Walls, Administrator of the Delaware Board of Professional Land Surveyors, at the above address or to michelle.walls@delaware.gov. Written comments will be accepted until 5:00 p.m. on July 31, 2026, pursuant to 29 Del.C. § 10118(a).

***Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del. C. Ch. 104, is available at:**

<https://regulations.delaware.gov/register/july2026/proposed/30 DE Reg 21RFA 07-01-26.pdf>

2700 Board of Professional Land Surveyors

(Break in Continuity of Sections)

9.0 Issuance and Renewal of License

- 9.1 When an applicant is approved by the Board for licensure, the Division will issue a license number and mail a license to the applicant.
 - 9.1.1 Lost, destroyed, or mutilated licenses may be replaced by payment of the appropriate fee to the Division . 24 Del.C. §2716(c).
 - 9.1.2 All license and certificate holders shall notify the Board in writing of each change of business address, residence address, e-mail address, telephone number, business telephone number, or trade name within 10 days of the change. The information provided shall be sufficiently descriptive to enable the Board to correspond with and locate the licensee or certificate holder.
- 9.2 Each professional land surveyor license and certificate of authorization shall be renewed biennially. The failure of the Board to notify a licensee or certificate holder of the licensee's expiration date and subsequent

renewals does not, in any way, relieve the licensee or certificate holder of the requirement to renew the license or certificate pursuant to this regulation and 24 Del.C. Ch. 27.

- 9.3 Failure of a licensee or certificate holder to renew the license or certificate by the license or certificate expiration date shall cause the license or certificate to lapse. A professional land surveyor or certificate of authorization holder whose license or certificate has lapsed may renew the license/certificate within 6 months 1 year after the license/certificate expiration date by paying the renewal fee plus the renewal fee for the previous biennial period and a late fee as determined by the Division. ~~In addition to paying the fees, a professional land surveyor must also attest to the completion of the required professional development hours (PDHs) to the Division.~~ 24 Del.C. §2711.

9.3.1 In addition to paying the fees, a professional land surveyor must also:

9.3.1.1 Provide a list of employment held during suspension of the professional land surveyor's license;

9.3.1.2 Attest to not having been subject to any disciplinary actions by the Board;

9.3.1.3 Provide documentation showing completion of the required professional development hours (PDHs) for the previous biennial years.

9.3.2 Registrants holding multiple State licenses in good standing that fail to renew their license within the 1-year period may reapply for licensure to the Board through reciprocity.

- 9.4 Late or lapsed license renewals shall be audited for satisfactory completion of the Board's continuing education requirements.

- 9.5 No professional land surveyor shall practice land surveying in the State of Delaware during the period of time that the surveyor's license is lapsed.

- 9.6 A professional land surveying corporation or partnership must have a certificate of authorization to practice, or offer to practice, land surveying as defined in 24 Del.C. §2722 and cannot perform activities defined in 24 Del.C. §2722 while a certificate is lapsed.

- 9.7 Surveyor intern licenses

9.7.1 Surveyor intern licenses shall be issued for a period of 4 calendar years.

9.7.2 In the event a surveyor intern has not completed the required hours of experience during the initial 4-year license period, the surveyor intern may apply for a new intern license. Experience hours from multiple surveyor intern licenses may be combined for consideration for a professional surveyor license application provided, however, that all experience hours must have been accumulated in an 8-year period from the initial intern license.

- 9.8 Professional land surveyor emeritus

9.8.1 To qualify as a professional land surveyor emeritus, the applicant shall:

9.8.1.1 Have been licensed as a Delaware professional land surveyor for at least 15 years;

9.8.1.2 Not be subject to any pending disciplinary action related to the practice of land surveying in Delaware or any other state;

9.8.1.3 Have filed a professional land surveyor emeritus application in the form required by the Board along with the required fee; and

9.8.1.4 Be at least 62 years old upon the date of application for the status of professional land surveyor emeritus.

9.8.2 A professional land surveyor emeritus shall:

9.8.2.1 Not engage in the practice of professional land surveying;

9.8.2.2 Not be required to complete the annual continuing education requirement; and

9.8.2.3 Use the title: "Professional Land Surveyor Emeritus," in lieu of the title "professional land surveyor" for the purpose of teaching, consulting, expert witness purposes, or other purposes that do not require seal or certification.

9.8.3 A professional land surveyor emeritus retains the license or registration number issued by the Division. The online lookup page will display that the individual now holds emeritus status. Wall certificates may be purchased from the Division for the fee set by the Division.

9.8.4 Should a professional land surveyor emeritus seek to reapply for active status, the individual shall submit proof of maintaining continuing education in the amount of PDHs required for each year between obtaining emeritus status and the application to restore full privileges as a professional land surveyor or retired professional land surveyor.

(Break in Continuity of Sections)

12.0 Minimum Technical Standards for Licensees

12.1 The Board is required under [24 Del.C. §§2701 and 2112\(a\)\(9\)](#) to establish minimum technical standards for licensees. The purpose of these standards is to establish minimum technical criteria to govern the performance of surveys when more stringent specifications are not required by other agencies or by contract. Further, the purpose is to protect the inhabitants of this ~~state~~ State and generally to promote the public welfare. The Board also established minimum standards for Mortgage Survey Plans (MSPs), and other types of work, frequently performed by licensees in portions of the ~~state~~ State.

12.2 Procedure and standards. Whenever a surveyor conducts a boundary survey, or an ALTA/NSPS Land Title Survey, or Subdivision Survey, a plat showing the results shall be prepared. An ALTA/NSPS Land Title Survey shall be titled in accordance to the current published ALTA/NSPS standard. A Subdivision Survey shall be titled as required by the governing regulatory agency. The plat of a boundary survey shall be titled "Boundary Survey Plan"; no other plat title is acceptable. A copy of the survey shall be furnished to the client unless deemed unnecessary by the client. The plat shall conform to the following requirements and shall include the following information:

(Break in Continuity Within Section)

12.2.15 A plat or survey shall clearly bear the firm name and licensee's name, license number, title, "Professional Land Surveyor", contact address, and date of survey and original signature and board-approved seal of the licensed surveyor in responsible charge. This signature and seal is certification that the survey meets minimum requirements of the Standards for Land Surveyors as adopted by the Delaware Board.

~~12.2.15~~ 12.2.16 A plat or survey shall include a statement. The statement shall be in the following form for the purpose of following this regulation:

"I, [name] registered as a Professional Land Surveyor in the State of Delaware, hereby state that the information shown on this plan has been prepared under my supervision and meets the standards of practice as established by the State of Delaware Board of Professional Land Surveyors. Any changes to the property conditions, improvements, boundary or property corners after the date shown hereon shall necessitate a new review and certification for any official or legal use.

[name], DE PLS _____ Date:

~~12.2.16~~ 12.2.17 A written property description if deemed necessary shall accompany the preparation of a boundary survey, ALTA/NSPS Land Title Survey, and Subdivision Survey. A written property description is not required when there are no changes to the property description used as a basis for these surveys. When preparing a property description in conjunction with a Mortgage Survey Plan, the description shall be based upon and refer to the record plat and not the Mortgage Survey Plan. The following information shown on the plat must be included in a written description:

~~12.2.16~~ 12.2.17.1 The commencing point and point of beginning.

~~12.2.16~~ 12.2.17.2 Sufficient caption to connect the plat and description.

~~12.2.16~~ 12.2.17.3 Length and direction of all lines in a clockwise direction unless impractical.

~~12.2.16~~ 12.2.17.4 Curve information as described in subsection 12.2.9.

~~12.2.16~~ 12.2.17.5 Type of monuments noted as found or set.

~~12.2.16~~ 12.2.17.6 The area of the parcel.

~~12.2.16~~ 12.2.17.7 Adjoining owners, subdivision name, etc.

~~12.2.17~~ 12.2.18 For a Major Subdivision Survey, the boundary corners of the "Parent" property that is the subject of the subdivision shall be set or identified in accordance to subsection 12.2.4. For a Minor Subdivision Survey, a minimum of 2 boundary corners of the property that is the subject of the subdivision shall be set ~~and/or~~ or identified and their interconnection duly noted. Additionally, for a Minor Subdivision Survey, the connection between the boundary corners and the boundary of the "carved-out" property shall be noted; and, the boundary corners of the "carved-out" property shall be set or identified in accordance with subsection 12.2.4. For an ALTA/NSPS Land Title Survey, all boundary corners of the subject property shall be set or identified in accordance to subsection 12.2.4.

12.3 Standards for Horizontal Control.

12.3.1 Definitions for specific types of horizontal control surveys, along with standards and procedures, may be found in National Geodetic Survey (NGS) or successor publications. All geodetic surveys, including determination and publication of horizontal and vertical values utilizing global positioning system, ground control systems, or any other system which relates to the practice and profession of land surveying, shall be performed under the direct control and personal supervision of a licensed professional land surveyor. Current NGS accepted standards regulating coordinate systems and

measurements shall be utilized for all surveys unless an alternative coordinate system and or distance measurement is requested by the client.

- 12.3.2 Control surveys that are used to determine boundary lines, including developing coordinates for existing boundary corners, shall meet the standards established by this regulation.
- 12.3.3 Land Information Systems/Geographic Information Systems (LIS/GIS) maps shall be built on a foundation of coordinates obtained by an accurate survey performed by a professional land surveyor licensed in the State of Delaware.

(Break in Continuity Within Section)

- 12.8 Minimum Procedures for Performing a MSP. If the ultimate user waives setting corner markers and agrees to the preparation of an MSP, the surveyor shall perform at least the following procedures:
 - 12.8.1 Examine appropriate documents of record for the subject parcel and review the most current tax assessment map for inconsistencies with those documents. The surveyor is required to check for mathematical closure of those documents. If those documents do not close mathematically, the surveyor will determine, based upon the surveyor's professional judgement, if a boundary survey is warranted.
 - 12.8.2 Take sufficient on-site measurements to enable the surveyor to perform the tasks called for by this regulation with regard to the:
 - 12.8.2.1 Location relative to the property lines being surveyed of buildings and other pertinent improvements;
 - 12.8.2.2 Location of possible encroachments relative to the property lines being surveyed reasonably determined by visual inspection;
 - 12.8.2.3 Easements; and
 - 12.8.2.4 Rights-of-way.
 - 12.8.3 If the ultimate user has approved an MSP, then the following elements shall be shown:
 - 12.8.3.1 Significant buildings, structures and other pertinent improvements, and their relationship to the property lines referenced radially ~~and/or~~ perpendicular to the nearest boundary, based on the field measurements taken by the surveyor, and any other boundary evidence considered by the surveyor;
 - 12.8.3.2 Statement with regard to the Classification of Survey; (REFER TO ATTACHMENT A)
 - 12.8.3.3 Possible encroachments on the subject property and from the subject property onto adjoining property located relative to the property lines being surveyed to the extent reasonably determined by a visual inspection of the properties; and
 - 12.8.3.4 Minimum setback lines, as shown on plats,
 - 12.8.3.5 A minimum of 2 described boundary control points, either found or set, and their relationship denoted by appropriate courses and distances to each other and the subject property.
 - 12.8.3.6 Easements or rights-of-way as shown on the aforementioned documents of record for subject property.
 - 12.8.4 If, in connection with the preparation of an MSP, a surveyor finds evidence to warrant, in the surveyor's professional opinion, the performance of a boundary survey, the surveyor shall so notify, in writing, the ultimate user or the ultimate user's representative.
 - 12.8.5 If the ultimate user has approved the preparation of an MSP, ~~then:~~then the
 - ~~12.8.5.1~~ 12.8.5.1 The MSP prepared by the surveyor shall prominently display, at a minimum, advice to the effect that:
 - ~~12.8.5.1.1~~ 12.8.5.1 The MSP is of benefit to a ultimate user only insofar as it is required by a lender, a title insurance company or its agent in connection with the contemplated transfer, financing, or refinancing of subject property; and
 - ~~12.8.5.1.2~~ 12.8.5.2 The MSP is not to be relied upon for future improvements.

***Please Note: As the rest of the sections were not amended, they are not being published. A copy of the regulation is available at:**

<https://regulations.delaware.gov/register/july2026/proposed/30 DE Reg 21 07-01-26>

DIVISION OF PROFESSIONAL REGULATION
Board of Examiners of Nursing Home Administrators
Statutory Authority: 24 Delaware Code, Section 5206(1) (24 **Del.C.** §5206(1))
24 **DE Admin. Code** 5200

PROPOSED

PUBLIC NOTICE

5200 Board of Examiners of Nursing Home Administrators

Pursuant to 24 **Del.C.** §5206(1), the Delaware Board of Examiners of Nursing Home Administrators ("Board") has proposed revisions to its Regulation. 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 nursing home administration services, regulated by 24 **Del.C.**, Ch. 52, and its secondary objectives to maintain minimum standards of practitioner competency and to maintain certain standards in the delivery of services to the public.

An amendment is proposed to Regulation subsection 3.0 to allow for a change to a nursing home administrator-in-training's preceptor.

An amendment is proposed to Regulation subsection 3.0 to set the number of nursing home administrators-in-training that a preceptor may supervise.

Anyone wishing to receive a copy of the proposed changes may obtain a copy from the Delaware Board of Nursing Home Administrators, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Michelle Walls, Administrator of the Delaware Board of Nursing Home Administrators, at the above address or to michelle.walls@delaware.gov. Written comments will be accepted until 5:00 p.m. on July 31, 2026, pursuant to 29 **Del.C.** § 10118(a).

***Please Note:**

(1) The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 **Del.C.** Ch. 104, is available at:

<https://regulations.delaware.gov/register/july2026/proposed/30 DE Reg 25RFA 07-01-26.pdf>

(2) Due to the size of the proposed regulation, it is not being published here. A copy of the regulation is available at:

<https://regulations.delaware.gov/register/july2026/proposed/30 DE Reg 25 07-01-26>

DIVISION OF SMALL BUSINESS
Statutory Authority: 30 Delaware Code, Section 2005F (30 **Del.C.** §2005F)

PROPOSED

PUBLIC NOTICE

2000 Delaware Entertainment Production Tax Credit Program

In compliance with the State's Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of 30 **Del.C.** §2005F, the Division of Small Business ("Division") proposes to promulgate new regulations regarding criteria and procedures governing the Delaware Entertainment Production Tax Credit Program ("Program"), created by House Bill No. 364 and House Amendment No. 1 to House Bill No. 364 of the 153rd General Assembly. House Bill No. 364 and House Amendment No. 1 to House Bill No. 364 of the 153rd General Assembly have not yet passed both chambers of the General Assembly or been signed into law. If passed and signed into law, the Act will be effective as of July 1, 2026.

In accordance with [29 Del.C. §10116](#), persons wishing to submit written comments, suggestions, briefs, and compilations of data or other written materials concerning the proposed modifications should direct them to the following address:

Joe Zilcosky
Northern New Castle Business Manager
Department of State
Division of Small Business
820 N. French Street, 10th Floor
Wilmington, DE 19801

Comments may also be directed via electronic mail to joe.zilcosky@delaware.gov. Any written submission in response to this notice and relevant to the proposed rules must be received by the above contact at the Division of Small Business no later than 4 p.m. EST, July 31, 2026.

The action concerning determination of whether to adopt the proposed regulations will be based upon the Division's consideration of the written comments and any other written materials filed by the public.

Statutory Authority 30 Del.C. §2005F.

30 Del.C. §2005F enables the Division of Small Business to establish and promulgate such rules and regulations to implement this Program as may be deemed necessary by the Director and which are not inconsistent with the laws of the State of Delaware.

Background

House Bill No. 364 and House Amendment No. 1 to House Bill 364 of the 153rd General Assembly creates a film production tax credit for qualified production activities for the purpose of encouraging artistic endeavors and investment in Delaware in the film, television, esports, and videogame industries, and the economic opportunities that come with them (the "Act"). Companies must submit independent audits certifying eligible production expenditures to the Division of Small Business for approval and allocation of tax credits. The Program will be administered by the Division of Small Business, a division within the Department of State. 30 Del. C. §2005F.

***Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del. C. Ch. 104, is available at:**

<https://regulations.delaware.gov/register/july2026/proposed/30 DE Reg 25aRFA 07-01-26.pdf>

2000 Delaware Entertainment Production Tax Credit Program

1.0 Statutory Authority and Enabling Legislation

The Delaware Entertainment Production Tax Credit Program was established pursuant to House Bill No. 364 and House Amendment No. 1 to House Bill No. 364 of the 153rd General Assembly, which directs the Division to prescribe regulations as may be necessary to administer the Program.

2.0 Purpose and Intent

- 2.1 The purpose of the Program is to encourage artistic endeavors and investment in Delaware in the film, television, esports, and videogame industries, and the economic opportunities that come with them, by providing a tax credit for qualified production activities in the State.
- 2.2 This regulation contains procedures governing the process for applying to the Division for a tax credit under the Program and criteria for the Division's approval or disapproval of an application for a tax credit under the Program.

3.0 Definitions

The following words and terms, when used in this regulation, have the following meaning:

"Act" means the Delaware Entertainment Production Tax Credit created by House Bill No. 364 and House Amendment No. 1 to House Bill No. 364 of the 153rd General Assembly.

"Commercial multi-market distribution" means broadcast of the resulting content from qualified activities inside and outside of the State through theaters, cable networks, over the air broadcast, streaming, digital

means, and hardware for distribution of digital interactive media, and other means of content distribution hereafter developed.

“Completion application” means the form of application applicants must submit for approval by the Division to determine whether the qualified production and audit meet the criteria for a tax credit provided by the Act and this regulation.

“Division” means the Division of Small Business.

“Eligibility application” means the form of application applicants must submit for approval by the Division to determine whether a production is engaged in qualified activities under the Act.

“Esports” means organized, competitive video gaming, where players or teams face off in structured matches, leagues, or tournaments; it blends traditional sports elements like coaching, strategy, training, and spectators with digital gameplay.

“Loan-out company” means a personal service company contracted with, and retained by a production company to provide individual personnel who are not employees of the production company, including actors, directors, producers, writers, production designers, production managers, costume designers, directors of photography, editors, casting directors, first assistant directors, second unit directors, stunt coordinators, and similar personnel, for performance of services used directly in a qualified activity. The term does not include persons retained by a production company to provide tangible property or outside independent contractor services, such as catering, construction, trailers, equipment, and transportation.

“Program” means the Entertainment Production Tax Credit Program.

“Qualified activities” include the following: the creation of media projects including feature films, series, productions, commercial advertisements, webisodes, music videos, pilots, award shows, game shows, and esports events, which are created for commercial multi-market distribution and creation of digital interactive entertainment, including videogames, and including subsequent updates and subsequent editions of digital interactive entertainment. Qualified activities do not include the following: political advertising; industrial or instructional videos; content which meets the definition of “obscene” under [11 Del.C. §1364](#); live or prerecorded athletic events, which do not include esports; website development; or infomercials, infotainment, or solicitation-based products.

“Qualified company” means a company primarily engaged in or created to engage in qualified activities, which is either incorporated under the laws of Delaware or registered to do business in Delaware. “Qualified company” does not include any business owned, affiliated, or controlled, in whole or in part, by any company or person which is in default on any tax obligation of the State, or a loan made by the State, or a loan guaranteed by the State.

“Qualified production” means a production engaged in qualified activities which have been approved by the Division in accordance with 30 [Del.C. §2005F](#) of the Delaware Code.

“State” means the State of Delaware.

4.0 Program Eligibility

- 4.1 A qualified company is entitled to a tax credit equal to 30% of qualified expenditures for qualified activities against personal income tax, corporate income tax, insurance premium tax, or bank franchise tax imposed under Title 18, Title 5, or under Chapter 11 or Chapter 19 of Title 30 of the Delaware Code, subject to the limitations set forth in the Act.
- 4.2 To be eligible for a tax credit under the Act, a qualified company must demonstrate that its qualified activities resulted in qualified expenditures greater than \$100,000 during any 12 consecutive month period. Qualified companies are permitted to aggregate expenditures over the course of the year for multiple projects.
- 4.3 Qualified companies must provide opportunities for Delaware residents to serve as interns on qualified productions.

5.0 Tax Credits Per Fiscal Year

The maximum amount of tax credit awards under the Act in any fiscal year shall not exceed \$10 million.

6.0 Two-Part Application Process

- 6.1 Any person or entity seeking a tax credit under the Act must complete and submit the eligibility application to the Division. The eligibility application can be found on the Division’s website, and shall include: budgets, proof of financing, cast lists, location lists, and all other information the Division deems necessary. The Division may charge an application fee.

- 6.2 Along with the eligibility application, applicants must submit a Delaware Impact Plan that details how the qualifying activities will benefit the State and its residents. The format of the Delaware Impact Plan is at the discretion of the applicants.
- 6.3 Upon receipt of a completed eligibility application, the Division shall review and determine whether the production constitutes a qualified production under the Act. The Division shall provide approval or denial of the eligibility application within 60 days of the eligibility application submission.
- 6.4 Upon completion of a qualified production, the applicant must submit a completion application along with an independent audit as required by 30 Del.C. §2007F, to the Division. The completion application form can be found on the Division's website.
- 6.5 Upon receipt of the completion application, the Division may request additional information or documents, and shall either provide a final approval and certificate of completion or a denial. The Division must request additional information or provide a final determination within 60 days of the completion application submission. Applicants who have not received approval of an eligibility application from the Division are not entitled to submit or receive approval of a completion application from the Division.
- 6.6 All applications may be submitted via email to the email address found on the applications or mailed to the Division at the address found on the applications.

7.0 Qualified Expenditures

- 7.1 The following expenditures associated with entertainment productions are qualified expenditures for which a tax credit equal to 30% is available under the Program.
 - 7.1.1 For media projects, "qualified expenditure" means preproduction, production, and postproduction expenditures incurred in the State that are directly used in a qualified production activity, including the following:
 - 7.1.1.1 Set construction and operation.
 - 7.1.1.2 Wardrobes, make-up, accessories, and related services.
 - 7.1.1.3 Costs associated with photography and sound synchronization, lighting, and related services and materials.
 - 7.1.1.4 Editing and related services.
 - 7.1.1.5 Rental of facilities and equipment.
 - 7.1.1.6 Leasing of vehicles.
 - 7.1.1.7 Costs of food and lodging.
 - 7.1.1.8 Digital or tape editing, film processing, transfers of film to tape or digital format, sound mixing, computer graphics services, special effects services, and animation services.
 - 7.1.1.9 Total aggregate payroll.
 - 7.1.1.10 Airfare, if purchased through a Delaware based travel agency or travel company.
 - 7.1.1.11 Insurance costs and bonding, if purchased through a Delaware based insurance agency.
 - 7.1.1.12 Other direct costs of producing the project in accordance with generally accepted entertainment industry practices.
 - 7.1.1.13 Expenses for all professionals whose work is directly related to the qualified activities, including accountants and lawyers.
 - 7.1.2 For digital interactive entertainment, "qualified expenditure" means all expenditures in the State directly relating to qualified activities including the following:
 - 7.1.2.1 Testing software, source code development, patches, updates, sprites, three-dimensional models, engine development and other back-end programming activities, performance and motion capture, audio production, tool development, original scoring, and level design.
 - 7.1.2.2 Costs associated with photography and sound synchronization, lighting and related services.
 - 7.1.2.3 Live operations, information technology support, data analysis and activities related to a community of users.
 - 7.1.2.4 Rental of facilities and equipment.
 - 7.1.2.5 Purchase of prepackaged audio files, video files, photographic files, or libraries.
 - 7.1.2.6 Purchase of licenses to use pre-recorded audio files, video, or photographic files.
 - 7.1.2.7 Development costs associated with producing audio files and video files to be used in the production of the end product under development.
 - 7.1.2.8 Expenses for all professionals whose work is directly related to the qualified activities, including accountants and lawyers.
- 7.2 Qualified expenditures do not include expenditures for work or services conducted or rendered outside of the State. Qualified expenditures also do not include expenditures for marketing or purchase of story rights.

8.0 Selection Process

- 8.1 The Division shall review all applications and all other information it deems appropriate from applicants, determine whether the production constitutes a qualified production, and provide preliminary approval or denial to the applicant within 60 days of the application submission.
- 8.2 The following applicants shall be prioritized for tax credit awards:
 - 8.2.1 Applicants that employ a significant amount of Delaware residents.
 - 8.2.2 Applicants that use Delaware based vendors and facilities.
 - 8.2.3 Repeat applicants or applicants that have multiple project commitments in the State.
 - 8.2.4 Applicants that expect to permanently expand their presence in the State.
- 8.3 Upon approval of an eligibility application, the amount of tax credits sought in the eligibility application shall be set aside for that applicant by the Division from the total \$10 million tax credit pool. However, failure to begin qualified production activities within 30 days following the start date specified in the application, the applicant may forfeit its claim to the tax credit for that fiscal year.
 - 8.3.1 Applicants who believe they may not be able to begin qualified production activities within 30 days following the start date specified in the application may write to the Division to request an extension of time to begin qualified production activities.
 - 8.3.2 Any extension request must be received by the Division in writing before the expiration of 30 days following the start date specified in the application.

9.0 Tax Credit Claim Process

- An applicant who has received a certificate of completion from the Division for a qualified production shall attach the certificate of completion to a Delaware tax return against which the tax credit is claimed and submit the tax return to the Division of Revenue, the Office of the State Bank Commissioner, or the Department of Insurance with respect to taxes in Title 30, Title 18, and Title 15 of the Delaware Code. In accordance with §2003F of the Act, any assignee, purchaser, or transferee of a tax credit under the Act shall follow the same process set forth in this regulation for claiming the tax credit.
-

Symbol Key

Arial type indicates the text existing prior to the regulation being promulgated. Underlined text indicates new text added at the time of the proposed action. Language which is ~~stricken through~~ indicates text being deleted. **[Bracketed Bold language]** indicates text added at the time the final order was issued. ~~**[Bracketed bold stricken through]**~~ indicates language deleted at the time the final order was issued.

Final Regulations

The opportunity for public comment shall be held open for a minimum of 30 days after the proposal is published in the *Register of Regulations*. At the conclusion of all hearings and after receipt within the time allowed of all written materials, upon all the testimonial and written evidence and information submitted, together with summaries of the evidence and information by subordinates, the agency shall determine whether a regulation should be adopted, amended or repealed and shall issue its conclusion in an order which shall include: (1) A brief summary of the evidence and information submitted; (2) A brief summary of its findings of fact with respect to the evidence and information, except where a rule of procedure is being adopted or amended; (3) A decision to adopt, amend or repeal a regulation or to take no action and the decision shall be supported by its findings on the evidence and information received; (4) The exact text and citation of such regulation adopted, amended or repealed; (5) The effective date of the order; (6) Any other findings or conclusions required by the law under which the agency has authority to act; and (7) The signature of at least a quorum of the agency members.

The effective date of an order which adopts, amends or repeals a regulation shall be not less than 10 days from the date the order adopting, amending or repealing a regulation has been published in its final form in the *Register of Regulations*, unless such adoption, amendment or repeal qualifies as an emergency under §10119.

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b) (14 **Del.C.** §122(b))
14 **DE Admin. Code** 612

FINAL

ORDER

612 Possession, Use or Distribution of Drugs and Alcohol

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** §122(b), the Secretary of Education seeks the consent of the State Board of Education to amend 14 **DE Admin. Code** 612 Possession, Use or Distribution of Drugs and Alcohol. The Department reviewed this regulation in compliance with 29 **Del.C.** §10407 which requires regulations to be reviewed on a recurring basis every four years. The Department made updates to the regulation in addition to amendments to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Notice of the proposed regulation was published in the *Register of Regulations* on February 1, 2026. The Department received one written submittal concerning the proposed regulation. The written submittal was from the State Council for Persons with Disabilities (SPCD). The SPCD was in support of the amendments to the regulation.

II. ASSESSMENT OF THE IMPACT ON ACHIEVEMENT OF THE STATE'S GREENHOUSE GAS EMISSIONS REDUCTION TARGETS AND RESILIENCY TO CLIMATE CHANGE

The Secretary of Education has reviewed the proposed regulation as required by 29 **Del.C.** §10118(b)(3) and has determined that any assessment of the impact of the proposed regulation is not practical.

III. FINDINGS OF FACT

The Department finds that the proposed amendments to 14 **DE Admin. Code** 612 Possession, Use or Distribution of Drugs and Alcohol are necessary to implement 14 **Del.C.** §122(b). Accordingly, the Department finds that it is

appropriate to amend **14 DE Admin. Code 612** Possession, Use or Distribution of Drugs and Alcohol minimally and to comply with the *Delaware Administrative Code Drafting and Style Manual*.

IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend **14 DE Admin. Code 612** Possession, Use or Distribution of Drugs and Alcohol as proposed. Therefore, pursuant to 14 **Del.C.** 122(b), **14 DE Admin. Code 612** Possession, Use or Distribution of Drugs and Alcohol is amended.

V. TEXT AND CITATION

The text of **14 DE Admin. Code 612** Possession, Use or Distribution of Drugs and Alcohol is amended and said regulation shall be cited as **14 DE Admin. Code 612** Possession, Use, or Distribution of Drugs and Alcohol in the Administrative Code of Regulations for the Department.

VI. EFFECTIVE DATE OF ORDER

The effective date of this Order shall be ten days from the date this Order is published in the *Register of Regulations*.

IT IS SO ORDERED the 16th day of April 2026

Department of Education
Cynthia Marten, Secretary of Education

State Board of Education

/s/ Jonathan V. Sheehan

Jonathan V. Sheehan, President

(Absent)

Deborah Stevens, Vice President

/s/ Timothy Banks, Sr.

Timothy Banks, Sr.

/s/ Meredith L. Griffin, Jr.

Meredith L. Griffin, Jr.

/s/ Michele Marinucci

Michele Marinucci

/s/ James L. Simmons, III

James L. Simmons, III

***Please note: Electronic signatures ("/s/") were accepted pursuant to **6 Del.C. §12A-107(d)**.**

***Please note that no changes were made to the regulation as originally proposed and published in the February 2026 issue of the *Register* at page 663 (29 DE Reg. 663). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/july2026/final/30 DE Reg 30 07-01-26>

FINAL REGULATIONS

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1204(a), 1205(b), and 1220 (14 Del.C. §§1203, 1204(a), 1205(b) & 1220)
14 DE Admin. Code 1571

FINAL

ORDER

1571 Special Education Teacher of Students with Disabilities

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 Del.C. §§1203, 1204(a), 1205(b), and 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 DE Admin. Code 1571 Special Education Teacher of Students with Disabilities. The regulation concerns the requirements for a Special Education Teacher of Students with Disabilities Standard Certificate in accordance with 14 Del.C. §1220. The proposed amendments in this regulation include revising subsection 1.1.3 by adding an additional option to obtain the certificate; striking three definitions in Section 2.0; "Immorality", "Standards Board", and "Valid and current license or certificate", and revising the definition of "Regionally accredited" based on the changes the U.S. Department of Education made to its recognition of accrediting bodies; striking subsections 4.1.1.5.1, etc., and renumbering subsequent subsections; and striking subsections in 5.3 and renumbering the application requirements for clarity. The proposed amendments include grammatical and style changes to comply with the *Delaware Administrative Code Drafting and Style Manual*. The final regulation includes two non-substantive changes from the proposed regulation: a numbering reference in subsection 5.3.4 and subsection 10.1 to correct a typographical error.

Notice of the proposed regulation was published in the *Register of Regulations* on April 1, 2026. The Professional Standards Board received one written submission from the public. Susannah Eaton-Ryan, Chairperson, State Council for Persons with Disabilities (SCPD) supports the regulation, as it maintains core competency requirements with flexibility that may strengthen the educator workforce. SCPD recommends that DDOE monitor the certification pathways to assess whether they result in measurable improvements in educator recruitment, retention, and student outcomes for students with disabilities.

II. ASSESSMENT OF THE IMPACT ON ACHIEVEMENT OF THE STATE'S GREENHOUSE GAS EMISSIONS REDUCTION TARGETS AND RESILIENCY TO CLIMATE CHANGE

The Secretary of Education has reviewed the proposed regulation as required by 29 Del.C. §10118(b)(3) and has determined that any assessment of the impact of the proposed regulation is not practical.

III. FINDINGS OF FACTS

On May 7, 2026, the Professional Standards Board deliberated on the public comment and determined not to make any changes as a result of written submittal and voted to propose 14 DE Admin. Code 1571 Special Education Teacher of Students with Disabilities for adoption by the Department subject to the State Board of Education's approval.

The Department finds that the proposed amendments to the regulation are necessary to implement 14 Del.C. Ch. 12 and are designed to improve the quality of the Delaware educator workforce and to improve student performance. Accordingly, the Department finds that it is appropriate to amend 14 DE Admin. Code 1571 Special Education Teacher of Students with Disabilities.

IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 DE Admin. Code 1571 Special Education Teacher of Students with Disabilities subject to the State Board of Education's approval. On May 21, 2026, the State Board of Education approved amending 14 DE Admin. Code 1571 Special Education Teacher of Students with Disabilities. Therefore, pursuant to 14 Del.C. §§1203, 1205(b), and 1220, 14 DE Admin. Code 1571 Special Education Teacher of Students with Disabilities is hereby amended.

V. TEXT AND CITATION

The text of 14 DE Admin. Code 1571 Special Education Teacher of Students with Disabilities amended hereby shall be cited as 14 DE Admin. Code 1571 Special Education Teacher of Students with Disabilities in the *Administrative Code of Regulations* for the Department.

VI. EFFECTIVE DATE OF ORDER

The effective date of this Order shall be ten days from the date this Order is published in the *Register of Regulations*.

IT IS SO ORDERED the 21st day of May, 2026.

Department of Education
Cynthia Marten, Secretary of Education

Approved this 21st day of May, 2026.

State Board of Education

/s/ Jonathan V. Sheehan

Jonathan V. Sheehan, President

/s/ Deborah Stevens

Deborah Stevens, Vice President

/s/ Timothy Banks, Sr.

Timothy Banks, Sr.

/s/ Meredith L. Griffin, Jr.

Meredith L. Griffin, Jr.

/s/ Michele Marinucci

Michele Marinucci

/s/ James L. Simmons, III

James L. Simmons, III

Vacant

***Please note: Electronic signatures ("/s/") were accepted pursuant to [6 Del.C. §12A-107\(d\)](#).**

1571 Special Education Teacher of Students with Disabilities

(Break in Continuity of Sections)

5.0 Application Requirements

- 5.1 If an applicant is applying for an Initial License, a Standard Certificate must be applied for simultaneously with application for an Initial License, and the applicant shall also provide all required documentation for the license.
- 5.2 If the applicant is also applying for the issuance or renewal of an educator's license or paraeducator's permit, the applicant must disclose the applicant's criminal conviction history upon application. Failure to disclose a criminal conviction history is grounds for denial of the license or permit application as specified in [14 Del.C. §1219](#) and it could delay the processing or result in the denial of the application for a Special Education Teacher of Students with Disabilities Standard Certificate.
- 5.3 The following documentation is required with the application for a Special Education Teacher of Students with Disabilities Standard Certificate:

FINAL REGULATIONS

- ~~5.3.1 Evidence of obtaining an Exceptional Needs Specialist certificate from the National Board for Professional Teaching Standards, if applicable; and~~
- ~~5.3.2 Official transcript from the applicant's regionally accredited college or university.~~
 - ~~5.3.2.1 Electronic transcripts may be submitted by the applicant's employing authority or regionally accredited college or university.~~
 - ~~5.3.2.2 Sealed paper transcripts may be submitted by the applicant, the applicant's Employing Authority, or the applicant's Regionally Accredited college or university.~~
 - ~~5.3.2.3 The Department will not accept copies of transcripts; and~~
- ~~5.3.3 Documents verifying successful completion of Department-approved professional development, if applicable; and~~
- ~~5.3.4 Official score on the *Praxis* Subject Assessment as provided in subsection 4.1.2 of this regulation.~~
- ~~5.3.5 Additional documentation as required by the Department.~~
- ~~5.4 For applicants who have met the requirements for licensure as an educator in Delaware and hold a valid and current license or certificate in special education or teaching students with disabilities from another state or jurisdiction, the following documentation is required in the application for a Special Education Teacher of Students with Disabilities Standard Certificate:~~
 - ~~5.4.1 An official copy of the educator license or certificate from another state or jurisdiction.~~
 - ~~5.4.2 Additional documentation as required by the Department.~~
 - ~~5.3.1 Official transcript from the applicant's regionally accredited college or university.~~
 - ~~5.3.1.1 Electronic or sealed paper transcripts may be submitted by the applicant's employing authority or regionally accredited college or university.~~
 - ~~5.3.1.2 The Department will not accept copies of transcripts; and~~
 - ~~5.3.2 One of the following:~~
 - ~~5.3.2.1 A valid and current Exceptional Needs Specialist Certificate from the National Board for Professional Teaching Standards; or~~
 - ~~5.3.2.2 Evidence of completion of an approved ARTC program. Evidence of completion must include verification that the applicant:~~
 - ~~5.3.2.2.1 Was issued a welcome letter upon enrollment and the applicant completed the requirements listed in the welcome letter; and~~
 - ~~5.3.2.2.2 Was issued and worked under a certificate of eligibility as a special education teacher of students with disabilities for the duration of the ARTC program; and~~
 - ~~5.3.2.2.3 Received 2 successful summative evaluations.~~
 - ~~5.3.2.3 Evidence of completion of a Department-approved program for a special education teacher of students with disabilities.~~
 - ~~5.3.2.4 A valid and current license or certificate issued by another state or jurisdiction that qualified the applicant to teach students with disabilities.~~
 - ~~5.3.3 If applying without a valid and current license and certificate from another state or jurisdiction, an official score on the examination as provided in subsection 4.1.3 of this regulation.~~
 - ~~5.3.4 If submitting an application after June 30, 2027, verification of the successful completion of the literacy requirement as specified in subsection **[4.1.34.1.2]** of this regulation.~~
 - ~~5.3.5 Additional documentation as required by the Department.~~

(Break in Continuity of Sections)

10.0 Contact Information and Change of Name or Address

- 10.1 All applicants and educators are required to update their the contact information in DEEDS Delaware Educator [Date Data] System (DEEDS) if their the contact information changes.
- 10.2 An educator who legally changes the educator's name and wishes to change the name on the Special Education Teacher of Students with Disabilities Standard Certificate shall provide a notarized copy of evidence of the name change such as a marriage license or court action.
- 10.3 An applicant or educator whose mailing address, email address, or phone number changes shall provide the Department with the new mailing address, email address, or phone number within 14 calendar days of the change.

***Please note that no additional changes were made to the regulation as originally proposed and published in the April 2026 issue of the *Register* at page 826 (29 DE Reg. 826). Therefore, the final regulation is not being republished here in its entirety. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/july2026/final/30 DE Reg 32 07-01-26>

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 Del.C. §§1203, 1205(b) & 1220)

14 DE Admin. Code 1573

FINAL

ORDER

1573 Teacher of Students with Autism or with Severe Intellectual Disabilities

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 Del.C. §§1203, 1205(b), and 1220, the Professional Standards Board (“Board”), acting in consultation and cooperation with the Delaware Department of Education (“Department”), developed amendments to 14 DE Admin. Code 1573 Teacher of Students with Autism or Students with Severe Intellectual Disabilities. The regulation concerns the requirements for a Teacher of Students with Autism or Students with Severe Intellectual Disabilities Standard Certificate in accordance with 14 Del.C. §1220. The proposed amendments in this regulation include revising subsection 1.1.1 and adding 1.1.2, which adds two additional options to obtain the certificate; striking three definitions in Section 2.0 “Immorality”, “Standards Board”, and “Valid and current license or certificate” and revising the definition of “Regionally accredited” based on the changes the U.S. Department of Education made to its recognition of accrediting bodies; striking subsections 4.1.1.5.1, etc., and renumbering subsequent subsections; and striking subsections in 5.3 and renumbering the application requirements for clarity. The proposed amendments include grammatical and style changes to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Notice of the proposed regulation was published in the *Register of Regulations* on April 1, 2026. The Professional Standards Board received two written submissions from the public. Susannah Eaton-Ryan, Chairperson, State Council for Persons with Disabilities (SCPD) supports the regulation, as it maintains core competency requirements with flexibility that may strengthen the educator workforce. SCPD recommends that DDOE monitor the certification pathways to assess whether they result in measurable improvements in educator recruitment, retention, and student outcomes for students with disabilities. Edward Small, Appoquinimink School District, supports the proposed revisions as they represent an important step to creating pathways for qualified educators to serve one of our most vulnerable populations of students.

II. ASSESSMENT OF THE IMPACT ON ACHIEVEMENT OF THE STATE’S GREENHOUSE GAS EMISSIONS REDUCTION TARGETS AND RESILIENCY TO CLIMATE CHANGE

The Secretary of Education has reviewed the proposed regulation as required by 29 Del.C. §10118(b)(3) and has determined that any assessment of the impact of the proposed regulation is not practical.

III. FINDINGS OF FACTS

On May 7, 2026, the Professional Standards Board deliberated on the public comments and determined not to make any changes as a result of written submittals and voted to propose 14 DE Admin. Code 1573 Teacher of Students with Autism or Students with Severe Intellectual Disabilities for adoption by the Department subject to the State Board of Education’s approval.

The Department finds that the proposed amendments to the regulation are necessary to implement 14 Del.C. Ch. 12 and are designed to improve the quality of the Delaware educator workforce and to improve student performance. Accordingly, the Department finds that it is appropriate to amend 14 DE Admin. Code 1573 Teacher of Students with Autism or Students with Severe Intellectual Disabilities.

IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 DE Admin. Code 1573 Teacher of Students with Autism or Students with Severe Intellectual Disabilities subject to the State Board of Education’s approval. On May 21, 2026, the State Board of Education approved amending 14 DE Admin. Code 1573 Teacher of Students with Autism or Students with Severe Intellectual Disabilities. Therefore, pursuant to 14 Del.C. §§1203, 1205(b), and 1220, 14 DE Admin. Code 1573 Teacher of Students with Autism or Students with Severe Intellectual Disabilities is hereby amended.

V. TEXT AND CITATION

The text of [14 DE Admin. Code 1573](#) Teacher of Students with Autism or Students with Severe Intellectual Disabilities amended hereby shall be cited as [14 DE Admin. Code 1573](#) Teacher of Students with Autism or Students with Severe Intellectual Disabilities in the *Administrative Code of Regulations* for the Department.

VI. EFFECTIVE DATE OF ORDER

The effective date of this Order shall be ten days from the date this Order is published in the *Register of Regulations*.

IT IS SO ORDERED the 21st day of May, 2026.

Department of Education
Cynthia Marten, Secretary of Education

Approved this 21st day of May, 2026.

State Board of Education

/s/ Jonathan V. Sheehan
Jonathan V. Sheehan, President

/s/ Deborah Stevens
Deborah Stevens, Vice President

/s/ Timothy Banks, Sr.
Timothy Banks, Sr.

/s/ Meredith L. Griffin, Jr.
Meredith L. Griffin, Jr.

/s/ Michele Marinucci
Michele Marinucci

/s/ James L. Simmons, III
James L. Simmons, III

Vacant

*Please note: Electronic signatures ("/s/") were accepted pursuant to [6 Del.C. §12A-107\(d\)](#).

*Please note that no changes were made to the regulation as originally proposed and published in the April 2026 issue of the *Register* at page 832 (29 DE Reg. 832). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/july2026/final/30 DE Reg 35 07-01-26>

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF MEDICAID AND MEDICAL ASSISTANCE
Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)

FINAL

ORDER

Medicaid Recovery Audit Contractor's (RAC) Program

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance initiated proceedings to amend Title XIX Medicaid State Plan regarding Medicaid Recovery Audit Contractor's (RAC) Program, specifically, to request an extension of the exception from participation in the RAC Program. The Department's proceedings to amend its regulations were initiated pursuant to [29 Del.C. §10114](#) and its authority as prescribed by [31 Del.C. §512](#).

The Department published its notice of proposed regulation changes pursuant to [29 Del. C. §10115](#) in the April 2026 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by May 1, 2026, at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

SUMMARY OF PROPOSAL

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) is proposing to amend Title XIX Medicaid State Plan regarding Medicaid Recovery Audit Contractor's (RAC) Program.

Background

Under Section 1902(a)(42)(B)(i) of the Act, states and territories are required to establish programs to contract with one or more Medicaid Recovery Audit Contractors (RACs) to identify underpayments and overpayments, as well as recouping overpayments, under the Medicaid State Plan and any Medicaid State Plan Waivers. This applies to all services for which payment is made to any entity under such plan or waiver. States must establish these programs in a manner consistent with State law and generally in the same way as the Secretary contracts with contingency fee contractors for the Medicaid RAC program.

Section 1902(a)(42)(B)(i) of the Act specifies that States shall establish programs under which they contract with Medicaid RACs subject to such exceptions or requirements as the Secretary may require for purposes of a particular State. This provision enables the Centers for Medicare and Medicaid Services (CMS) to vary the Medicaid RAC program requirements. For example, CMS may exempt a State from the requirement to pay Medicaid RACs on a contingent basis for collecting overpayments when State law expressly prohibits contingency fee contracting. However, another fee structure could be required under any such exception (e.g., a flat fee arrangement).

Statutory Authority

- §1902(a)(42)(b) of the Social Security Act
- The Patient Protection and Affordable Care Act, Public Law 111-148, Section 6411, Expansion of the RAC Program
- 42 CFR §455 Subpart A
- 42 CFR §455 Subpart F

Purpose

The purpose of this regulation is to amend the RAC requirements.

Summary of Proposed Changes

Effective July 1, 2026, the DHSS/DMMA proposes to amend Title XIX Medicaid State Plan to request an extension of the exception from participation in the RAC program.

Public Notice

In accordance with the *federal* public notice requirements established at Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 440.386 and the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DMMA gave public notice and provided an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments were to have been received by 4:30 p.m. on May 1, 2026.

Centers for Medicare and Medicaid Services Review and Approval

The provisions of this state plan amendment (SPA) are subject to approval by the Centers for Medicare and Medicaid Services (CMS). The draft SPA page(s) may undergo further revisions before and after submittal to CMS based upon public comment and/or CMS feedback. The final version may be subject to significant change.

Provider Manuals and Communications Update

Also, there may be additional provider manuals that may require updates as a result of these changes. The applicable Delaware Medical Assistance Program (DMAP) Provider Policy Specific Manuals and/or Delaware Medical Assistance Portal will be updated. Manual updates, revised pages or additions to the provider manual are issued, as required, for new policy, policy clarification, and/or revisions to the DMAP program. Provider billing guidelines or instructions to incorporate any new requirement may also be issued. A newsletter system is utilized to distribute new or revised manual material and to provide any other pertinent information regarding DMAP updates. DMAP updates are available on the Delaware Medical Assistance Portal website: <https://medicaid.dhss.delaware.gov/provider>

Fiscal Impact Statement

There is no anticipated fiscal impact.

Summary of Comments Received with Agency Response and Explanation of Changes

There were no public comments received.

IMPACT ON THE STATE'S GREENHOUSE GAS EMISSIONS REDUCTION TARGETS AND RESILIENCY TO CLIMATE CHANGE:

The DMMA Division Director has reviewed the proposed regulation as required by 29 Del. C. §10118(b)(3) and has determined that if promulgated, the regulation would have a de minimis impact on the State's resiliency to climate change because neither implementation nor compliance with the regulation would reasonably involve the increase in greenhouse gas emissions.

FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the April 2026 *Register of Regulations* should be adopted.

THEREFORE, IT IS ORDERED, that the proposed regulation to amend Title XIX Medicaid State Plan regarding RAC, specifically, to request an extension of the exception from participation in the RAC Program is adopted and shall be final effective July 11, 2026.

6/2/2026

Date of Signature

Christen Linke Young, Secretary, DHSS

Medicaid Recovery Audit Contractor's (RAC) Program

***Please Note: Due to formatting of certain amendments to the regulation, they are not being published here. A copy of the document is available at:**

<https://regulations.delaware.gov/register/July2026/15DBB67A-DFD3-40A8-AA6F-D011750B9BA1>

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)
16 **DE Admin. Code** 14000

FINAL

ORDER

14000 Medicaid General Eligibility Requirements

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance initiated proceedings to amend the Division of Social Services Manual (DSSM) regarding Fair Hearing Part 2, specifically, to amend the date an individual can request a fair hearing. The Department's proceedings to amend its regulations were initiated pursuant to 29 **Del.C. §10114** and its authority as prescribed by 31 **Del.C. §512**.

The Department published its notice of proposed regulation changes pursuant to 29 **Del. C.** §10115 in the May 2026 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by June 1, 2026, at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

SUMMARY OF PROPOSAL

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) is proposing to amend the Division of Social Services Manual (DSSM), regarding Fair Hearing Part 2.

Background

This amendment is a clarification for the latest date that an individual can request a fair hearing to align with the Code of Federal Regulations (CFR) to be 90 days from the date the notice is mailed to the client. Medicaid and Delaware Healthy Children's Program (DHCP) will follow the CFR. Since the postmarked date will not always be known, Delaware Medicaid and DHCP will procedurally allow a five-day grace period from the date of the notice to allow for mailing processes.

Statutory Authority

- 42 CFR 431.221(d)

Purpose

The purpose of this regulation is to amend the date an individual can request a fair hearing.

Summary of Proposed Changes

Effective May 1, 2026, the DHSS/DMMA proposes to amend the DSSM regarding fair hearings.

Public Notice

In accordance with the *federal* public notice requirements established at Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 440.386 and the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DMMA gave public notice and provided an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments were to have been received by 4:30 p.m. on June 1, 2026.

Centers for Medicare and Medicaid Services Review and Approval

The provisions of this state plan amendment (SPA) are subject to approval by the Centers for Medicare and Medicaid Services (CMS). The draft SPA page(s) may undergo further revisions before and after submittal to CMS based upon public comment and/or CMS feedback. The final version may be subject to significant change.

Provider Manuals and Communications Update

Also, there may be additional provider manuals that may require updates as a result of these changes. The applicable Delaware Medical Assistance Program (DMAP) Provider Policy Specific Manuals and/or Delaware Medical Assistance Portal will be updated. Manual updates, revised pages or additions to the provider manual are issued, as required, for new policy, policy clarification, and/or revisions to the DMAP program. Provider billing guidelines or instructions to incorporate any new requirement may also be issued. A newsletter system is utilized to distribute new or revised manual material and to provide any other pertinent information regarding DMAP updates. DMAP updates are available on the Delaware Medical Assistance Portal website: <https://medicaid.dhss.delaware.gov/provider>

Fiscal Impact Statement

There is no anticipated fiscal impact.

Summary of Comments Received with Agency Response and Explanation of Changes

Comment: Comments were received supporting the proposed changes to provide a five-day grace period from the date the notice of action is mailed to account for mail processing time. Additionally, commenters suggested including the five-day grace period language in the proposed Fair Hearing rulemaking (29 Del. Reg. of Regulations 913).

Agency Response: DMMA agrees with the suggestion and will determine how to accomplish this at a future date.

Comment: It is suggested that the five-day grace period language be included in the notices sent to beneficiaries.

Agency Response: Thank you for the suggestion, this is in progress.

DMMA is pleased to provide the opportunity to receive public comments and greatly appreciates the support given by:

- State Council for Persons with Disabilities (SCPD)
- Governor's Advisory Council for Exceptional Citizens (GACEC)

IMPACT ON THE STATE'S GREENHOUSE GAS EMISSIONS REDUCTION TARGETS AND RESILIENCY TO CLIMATE CHANGE:

The DMMA Division Director has reviewed the proposed regulation as required by 29 Del. C. §10118(b)(3) and has determined that if promulgated, the regulation would have a de minimis impact on the State's resiliency to climate change because neither implementation nor compliance with the regulation would reasonably involve the increase in greenhouse gas emissions.

FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the May 2026 *Register of Regulations* should be adopted with additions. The Department finds that the proposed does not require further public notice or comment under the APA because the amendments are non-substantive pursuant to 29 Del.C. §10118(c).

THEREFORE, IT IS ORDERED, that the proposed regulation to amend Division of Social Services Manual (DSSM) regarding Fair Hearing Part 2, specifically, to amend the date an individual can request a fair hearing is adopted and shall be final effective July 11, 2026.

6/11/2026

Date of Signature

Christen Linke Young, Secretary, DHSS

14000 Medicaid General Eligibility Requirements

(Break in Continuity of Sections)

14100.7 Fair Hearings**42 CFR 431.221**

A fair hearing is an administrative hearing held in accordance with the principles of due process. An opportunity for a fair hearing will be provided, subject to the provisions in policy at DSSM Fair Hearing Section 5000. Any individual who is dissatisfied with a decision of the Division of Social Services may request a fair hearing within 90 days from the date the notice of action is mailed. If a postmarked date is not available a 5-day grace period from the date of the notice will be provided, if needed to allow for mail processing. 95 days (90 days plus 5 days for mail processing) will be allowed from the date of the notice.

See DSSM Fair Hearing Section for policies covering fair hearings.

*Please note that no additional changes were made to the regulation as originally proposed and published in the May 2026 issue of the *Register* at page 919 (29 DE Reg. 919). Therefore, the final regulation is not being republished here in its entirety. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/july2026/final/30 DE Reg 39 07-01-26>

DIVISION OF PUBLIC HEALTH

Statutory Authority: 16 Delaware Code, Section 122(3)t (16 **Del.C.** §122(3)t)
16 **DE Admin. Code** 4459

FINAL

ORDER

4459 Lead-Based Paint Hazards

NATURE OF THE PROCEEDINGS:

Pursuant to 16 **Del.C.** §§122(3)t, the Delaware Department of Health and Social Services (“DHSS”), Division of Public Health (Agency) published proposed revisions to regulation 4459 Lead-Based Paint Hazards on December 1, 2025 (29 **DE Reg.** 492), announcing a public comment period of December 1, 2025 through January 2, 2026. Changes included revisions to guidelines for permits and other technical edits to bring the regulation into compliance with the *Delaware Administrative Code Style Manual (May 2025 Edition)*. DHSS Published a General Notice on January 1, 2026 (29 **DE Reg.** 632), extending the public comment period until 4:30 PM on March 3, 2026.

The Division of Public Health requested that written materials and suggestions from the public concerning the proposed regulation be delivered to DHSS by March 3, 2026, after which time DHSS would review information, factual evidence, and public comment on the proposed regulation.

SUMMARY OF EVIDENCE:

Written comments were accepted on the proposed regulation during the public comment period (December 1, 2025 through March 3, 2026). Entities offering written comments included the Childhood Lead Poisoning Prevention Advisory Committee.

The Agency appreciates and acknowledges the comments that were submitted. Suggested additional changes were submitted for two of the defined terms as well as amending guidance regarding encapsulation. The agency revised the definition of “Blood lead reference value” or “BLRV” based on the public comments received. The definition of “Interim controls” was not deleted as suggested as Agency leadership determined the definition should remain intact. The suggestion regarding encapsulation was also not incorporated after respectful consideration and evidence review.

Upon further review, it was determined that existing language in the last sentence of subsection ~~3.3.13.2.63.3.13.4~~ was stricken in error in proposed publication. The language is being restored in the final regulation.

Lastly, this regulation is comported with HB 312, signed on May 21, 2026 (85 Del. Laws, c. 266).

IMPACT ON THE STATE’S GREENHOUSE GAS EMISSIONS REDUCTION TARGETS AND RESILIENCY TO CLIMATE CHANGE:

Division of Public Health Director Steven Blessing has reviewed the proposed regulation as required by 29 **Del.C.** §10118(b)(3) and has determined that if promulgated, the regulation would have a *de minimis* impact on the State’s resiliency to climate change because neither implementation nor compliance with the regulation would reasonably involve the increase in greenhouse gas emissions.

FINDINGS OF FACT:

As a result of evidence review, minor changes were made to the regulation since publication as proposed. The amendments being made because of the public comment received were determined by Agency leadership to be non-substantive. DHSS finds that the proposed regulation, with additional amendments as set forth in the attached copy, should be adopted in the best interest of the public of the State of Delaware.

THEREFORE, IT IS ORDERED that the revised proposed amendments to regulation 4459 Lead-Based Paint Hazards shall become effective July 11, 2026, 10 days after publication of the final regulation in the *Delaware Register of Regulations*.

6/15/2026

Date

Christen Linke Young
Cabinet Secretary
Delaware Department of Health and Social Services

4459 Lead-Based Paint Hazards

(Break in Continuity of Sections)

2.0 Definitions

The following words and terms, when used in this regulation, have the following meaning:

(Break in Continuity Within Section)

“Arithmetic mean” means the algebraic sum of data values divided by the number of data values (e.g., the sum of the concentration of lead in several soil samples divided by the number of samples).

“Blood lead reference value” or “BLRV” ~~[means as a population-based benchmark used to identify children with blood lead levels higher than most children (specifically above the 97.5th percentile). It is not a safety threshold, but rather a tool to guide public health actions and clinical follow-up. As of October 28, 2021, the CDC set the BLRV at 3.5 micrograms per deciliter (µg/dL) for children aged 1 through 5, based on national survey data.~~ means, as defined by CDC, 3.5 micrograms per deciliter (µg/dL). A BLRV is intended to identify children with higher levels of lead in their blood compared with levels in most children.]

“Business day” means Monday through Friday with the exception of ~~except for~~ State of Delaware and Federal federal holidays.

(Break in Continuity Within Section)

3.0 Accreditation of Training Programs and Application and Renewal Requirements

(Break in Continuity Within Section)

- 3.3 Requirements for the accreditation of training programs. For a training provider to obtain accreditation from the Secretary to offer lead-based paint activities courses, the program shall meet the following requirements:

(Break in Continuity Within Section)

- 3.3.13 The training manager must provide notification of lead-based paint activities courses offered.
- 3.3.13.1 The training manager must provide the Secretary with notification of all lead-based paint activities courses offered. The Secretary must receive the original notification at least 7 business days prior to the start date of any lead-based paint activities course.
- 3.3.13.2 The training manager must provide the Secretary updated notification when lead-based paint activities courses will begin on a date other than the start date specified in the original notification, as follows:
- 3.3.13.2.1 For lead-based paint activities courses beginning prior to the start date provided to the Secretary, an updated notification must be received by the Secretary at least 7 business days before the new start date.
- 3.3.13.2.2 For lead-based paint activities courses beginning after the start date provided to the Secretary, an updated notification must be received by the Secretary at least 2 business days before the start date provided to the Secretary.
- 3.3.13.2.3 The training manager must update the Secretary of any change in location of lead-based paint activities courses at least 7 business days prior to the start date provided to the Secretary.
- 3.3.13.2.4 The training manager must update the Secretary regarding any course cancellations, or any other change to the original notification. Updated notifications must be received by the Secretary at least 2 business days prior to the start date provided to the Secretary.
- 3.3.13.2.5 3.3.13.3 Each notification, including updates, must include the following:
- 3.3.13.2.5.1 3.3.13.3.1 Notification type (original, update, cancellation).

- ~~3.3.13.2.5.23.3.13.3.2~~ Training program name, the Delaware accreditation number, address, and telephone number.
- ~~3.3.13.2.5.33.3.13.3.3~~ Course discipline and type (initial/refresher).
- ~~3.3.13.2.5.43.3.13.3.4~~ Dates and times of training.
- ~~3.3.13.2.5.53.3.13.3.5~~ Training locations, telephone number, and address.
- ~~3.3.13.2.5.63.3.13.3.6~~ Principal instructor's name.
- ~~3.3.13.2.5.73.3.13.3.7~~ Training manager's name and signature.
- ~~3.3.13.2.63.3.13.4~~ Notification must be accomplished using any of the following methods: Written or electronic notification to the Secretary. Written and electronic notifications of lead-based paint activities course schedules can be accomplished by using the guidance and sample form provided online at <http://dhss.delaware.gov/dhss/dph/hsp/leadregcomm.html>. All written notifications must be delivered by U.S. Postal Service, fax. All written notifications provided online at <http://dhss.delaware.gov/dhss/dph/hsp/leadregcomm.html> must be delivered by U.S. Postal Service, email (DHSS_DPH_HHLPP_LEAD@delaware.gov), fax, commercial delivery service, or hand delivery (persons submitting notification by U.S. Postal Service are reminded that they should allow 35 additional business days for delivery in order to ensure that the Secretary receives the notification by the required date). **[Secretary receives the notification by the required date].**
- ~~3.3.13.2.73.3.13.5~~ Lead-based paint activities courses must not begin on a date, or at a location other than that specified in the original notification unless an updated notification identifying a new start date or location is submitted, in which case the course must begin on the new start date or location specified in the updated notification.
- ~~3.3.13.2.83.3.13.6~~ No training program shall provide lead-based paint activities courses without first notifying the Secretary of such these activities in accordance with the requirements of subsection 3.3.13 of this regulation.

***Please note that no additional changes were made to the regulation as originally proposed and published in the December 2025 issue of the *Register* at page 492 (29 DE Reg. 492). Therefore, the final regulation is not being republished here in its entirety. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/july2026/final/30 DE Reg 41 07-01-26>

DEPARTMENT OF HUMAN RESOURCES

STATE EMPLOYEE BENEFITS COMMITTEE

Statutory Authority: 29 Delaware Code, Sections 5210(4) and 9602(b)(4) (29 Del.C. §§5210(4) & 9602(b)(4))

19 DE Admin. Code 2001

FINAL

ORDER

2001 Group Health Insurance Plan Eligibility and Enrollment Rules

Pursuant to House Bill No. 4 amended by House Amendment No. 1 (149th General Assembly) and further amended by Senate Bill 161 (152nd General Assembly), the Department of Human Resources and the Division of Statewide Benefits and Insurance Coverage of the Department of Human Resources was established effective July 1, 2017, having powers, duties and functions as follows:

“(1) With the exception of deferred compensation pursuant to Chapter 60A of this title and any other investment or retirement savings plan, the Director of Statewide Benefits and Insurance Coverage shall be responsible for the management and administration of all currently existing and future state employee benefits programs, including but not limited to group health, group life, flexible benefits, dental, vision, prescription, long-term care, disability, and supplemental benefits.”

Epilogue language referenced below from Section 25 House Bill No. 195 (152nd General Assembly) allows the State Employee Benefits Committee (SEBC) to amend the Eligibility and Enrollment Rules for the State of Delaware Group Health Insurance Plan.

“Section 25. Notwithstanding the provisions of the Administrative Procedures Act, 29 Del. C. c. 101 or any other laws to the contrary, the State Employee Benefits Committee is authorized to amend the rules for Employees Eligible to Participate in the Group Health Insurance Program and the State Disability Insurance Program by approving such amendments and causing the amendments to be published in the Register of Regulations with such amendments to be effective as of the date of such publication unless otherwise specified by the State Employee Benefits Committee.”

The SEBC has reviewed the proposed regulation as required by 29 Del.C. § 10118(b)(3) and has determined that if promulgated, the regulation would have a *de minimis* impact on the State’s resiliency to climate change because neither implementation nor compliance with the regulation would reasonably involve the increase in greenhouse gas emissions or any assessment of the proposed regulation is not practical.

Pursuant to the authority vested in the State Employee Benefits Committee (SEBC) by 29 Del.C. §§5210(4), 9602(b)(4), the SEBC hereby amends the Eligibility and Enrollment Rules for the State of Delaware Group Health Insurance Plan (19 DE Admin. Code 2001), as shown on the attached version of such rules. The amendments shall have an effective date of July 1, 2026.

This order is effective July 1, 2026.

STATE OF DELAWARE DEPARTMENT OF HUMAN RESOURCES
Leighann Hinkle
Deputy Director, Statewide Benefits and Insurance Coverage Office

Date: June 11, 2026

***Please Note:** Due to the size of the regulation, it is not being published here. A copy of the regulation is available at:

<https://regulations.delaware.gov/register/july2026/final/30 DE Reg 43 07-01-26>

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF FISH AND WILDLIFE

Statutory Authority: 7 Delaware Code, Section 903(e)(2)a.1 (7 Del.C. §903(e)(2)a.1)
7 DE Admin. Code 3516

FINAL

ORDER

3516 Bluefish

Secretary’s Order No.: 2026-F-0010

**RE: Approving Final Regulation, pursuant to 7 Del.C. §903(e)(2)a.1, to Amend 7 DE Admin. Code 3516
Bluefish Possession Limits**

Date of Issuance: May 17, 2026

Effective Date of the Amendment: 48 hours following publication of this Secretary’s Order and regulation on the Department’s website: <https://de.gov/dnrecords>

Under the authority vested in the Secretary of the Department of Natural Resources and Environmental Control (“Department” or “DNREC”), pursuant to 7 Del.C. §903(e)(2)a.1, and all other relevant statutory authority, the following findings of fact based on the reasons and conclusions are entered as an order of the Secretary in the above-referenced regulatory amendment.

Notwithstanding 29 Del.C. Ch. 101 (which sets forth the standardized procedures whereby a state agency shall promulgate regulations), the Department also has the statutory authority under 7 Del.C. §903(e)(2)a.1 to promulgate certain regulations in order to adopt a specified management measure for finfish, subject to 7 Del.C. Ch. 9, Finfishing in Tidal Waters, by the issuance of a Secretary's Order. The Department is allowed to follow this abbreviated regulatory promulgation process only in instances where the management measures are specified by, and ensures compliance or maintains consistency with, a fisheries management plan or rule established by the Atlantic States Marine Fisheries Commission ("ASMFC"), the *Atlantic Coastal Fisheries Cooperative Management Act*, the Mid-Atlantic Fishery Management Council ("Council"), or the National Marine Fisheries Service.

Whenever the Department promulgates a regulation pursuant to 7 Del.C. §903(e)(2)a.1, it shall also (1) publish on its website a public notice with a copy of the Secretary's Order and final regulation that implements the specific management measure; and (2) file the Secretary's Order and regulation that implements the specified management measure in the next available issue of the *Delaware Register of Regulations*. The final regulation becomes effective 48 hours after the Department has published the aforementioned public notice on its website, as mandated by 7 Del.C. §903(e)(2)a.2.

Background, Procedural History and Findings of Fact

This order amends 7 DE Admin. Code 3516 - *Bluefish Possession Limits* to liberalize Bluefish recreational fishery regulations by adopting specified management measures approved by the Mid-Atlantic Fishery Management Council ("Council") and ASMFC's Bluefish Management Board ("Board"). Specifically, this amendment increases the possession limit from three to five Bluefish for private anglers and from five to seven Bluefish for for-hire anglers. This order is necessary to keep Delaware compliant with the ASMFC Addendum III to the Bluefish Fishery Management Plan: *The Recreational Measures Setting Process for Summer Flounder, Scup, Black Sea Bass, and Bluefish*.

The Council and the Board met jointly on August 12, 2025, to set the 2026 and 2027 Bluefish specifications. During that meeting, the Council and Board reviewed the 2025 management track assessment, which found that Bluefish overfishing was not occurring, and while the stock was not overfished, it has not yet fully rebuilt to the biomass target reference point. Although spawning stock biomass was estimated to be about 89% of the biomass target in 2024, it was projected to reach a rebuilt status in 2025 and reach the management target by 2027. The Council and Board adopted a recreational harvest limit ("RHL") of 22.02 million pounds for 2026, and a RHL of 22.50 million pounds for 2027. Compared to 2025, these values represent an increase of approximately 40% for the RHL. This increase in the RHL led the Council and Board to approve liberalizing recreational daily possession limit regulations for 2026 and 2027 from three to five Bluefish for private anglers and from five to seven Bluefish for for-hire anglers.

The Department has the statutory basis and legal authority to act with regard to promulgation of the proposed amendments to 7 DE Admin. Code 3516 - *Bluefish Possession Limits* pursuant to 7 Del.C. §§901 (c & d) and 903(e)(2)a.1. This specific management measure is required by the Board's action taken on August 12, 2025.

ORDER

In accordance with 7 Del.C. §903(e)(2)a.1, it is hereby ordered, this 17th day of May 2026, that the above referenced amendments to 7 DE Admin. Code 3516 Bluefish Possession Limits, a copy of which is hereby attached, are supported by the evidence contained herein and are hereby adopted. The above referenced amendment shall take effect 48 hours following publication of this Secretary's Order and regulation on the Department's website in accordance with 7 Del.C. §903(e)(2)a.2.

Gregory Patterson
Secretary

Bluefish

3516 Bluefish Possession Limits.

(Penalty Section 7 Del.C. §936(b)(2))

- 1.0 Unless otherwise authorized, it shall be unlawful for any recreational fisherman to have in possession more than ~~five (5)~~ seven (7) bluefish (*Pomatomus saltatrix*) if fishing from a charter or headboat or ~~three (3)~~ five

(5) if fishing from any other vessel or from shore at or between the place caught and his/her personal abode or temporary or transient place of lodging.

DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

Board of Mental Health and Chemical Dependency Professionals

Statutory Authority: 24 Delaware Code, Section 3006(a)(1) (24 Del.C. §3006(a)(1))
24 DE Admin. Code 3000

FINAL

ORDER

3000 Board of Professional Counselors of Mental Health and Chemical Dependency Professionals

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

The Delaware Board of Mental Health and Chemical Dependency Professionals, pursuant to 24 Del.C. § 3006(a)(1), proposed to amend regulation 24 DE Admin. Code 3000 Board of Mental Health and Chemical Dependency Professionals. The proposed amendments seek to clarify the supervision requirements for LPCMHs, LCDPs, and LMFTs, including the required qualifications of supervisors and documentation applicants are required to submit when applying. The changes clarify the requirements to apply by reciprocity and attempt to eliminate inconsistencies throughout the regulations. The proposed changes add the American Counseling Association's code of ethics to the regulations. The proposed changes correct the name of the Board throughout the regulation to match the name in the statute. Other grammar and style changes were made to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Notice of the proposed regulation was published in the *Register of Regulations* on March 1, 2026. The Board received one written public comment. On March 25, 2026, Susannah Eaton-Ryan, Chairperson of the State Council for Persons with Disabilities (SCPD) submitted written public comment recommending that the Board amend the regulation to require continuing education or demonstrated competencies in disability awareness, accessibility, and evidence based best practices for serving persons with disabilities.

II. ASSESSMENT OF THE IMPACT ON ACHIEVEMENT OF THE STATE'S GREENHOUSE GAS EMISSIONS REDUCTION TARGETS AND RESILIENCY TO CLIMATE CHANGE

The Board has reviewed the proposed regulation as required by 29 Del.C. §10118(b)(3) and has determined that if promulgated, the regulation would have a neutral or positive impact on the State's resiliency to climate change because compliance with the regulation would not reasonably involve the increase in greenhouse gas emissions.

III. FINDINGS OF FACTS

On April 22, 2026 and May 27, 2026, the Board considered the written submittals. The Board noted that it worked on the proposed changes for over a year to attempt to clarify many of its processes and such changes are important to the Board's mission going forward. The Board found that while disability awareness continuing education is important, it is included within both ethics and cultural inclusion, equity, and diversity. Furthermore, the Board does not want to dictate all or even a high percentage of CEs that each licensee must take. Each licensee has a unique practice and should tailor CEs to match that practice. The Board also added a technical change after publishing the proposed changes to amend the name of the Board throughout the regulation to match the name in the statute

IV. DECISION TO ADOPT THE REGULATION

For the foregoing reasons, the Board concludes that it is appropriate to amend 24 DE Admin. Code 3000 Board of Mental Health and Chemical Dependency Professionals as published on March 1, 2026. Therefore, pursuant to 24 Del.C. § 3006(a)(1), the changes to 24 DE Admin. Code 3000, attached hereto as Exhibit A, are hereby adopted.

V. EFFECTIVE DATE OF ORDER

The effective date of this Order shall be ten (10) days from the date this Order is published in the *Register of Regulations*.

IT IS SO ORDERED the 27th day of May 2026.

/s/ Yvette Aviles
Yvette Aviles, LPCMH, President

/s/ Brandy Walker
Brandy Walker, LPCMH, Vice President

/s/Mary Caroselli
Mary Caroselli, LMFT

/s/ Wade Jones
Wade Jones, LPCMH/LCDP

(absent)
Dr. Todd Grande, LCDP, LPCMH

/s/ Margaret Prouse
Margaret Prouse, Ed. D., Public Member

***Please note: Electronic signatures ("/s/") were accepted pursuant to 6 Del.C. §12A-107(d).**

3000 Board of ~~[Professional Counselors of]~~ Mental Health and Chemical Dependency Professionals

(Break in Continuity of Sections)

2.0 Licensure for Professional Counselors of Mental Health (LPCMH)

(Break in Continuity Within Section)

- 2.5 Acceptable Supervisors. Supervision provided by a Professional Counselor of Mental Health licensed in any state or U.S. territory is acceptable to the Board.
 - 2.5.1 Supervision by a non-LPCMH may be approved by the Board if the applicant can establish that the supervision was provided by a licensed behavioral health professional with a specialty or expertise in a clinical competency essential to the applicant's training. The applicant must use the "Request for Alternative Profession Supervisor" form to provide the Board with steps taken to secure an LPCMH supervisor, a compelling clinical reason for utilizing a non-LPCMH supervisor-supervisor, and the requested supervisor's qualifications. Examples of potentially acceptable licensed behavioral health professionals include licensed marriage and family therapists, psychologists, licensed clinical social workers, physicians, and advanced practice registered nurses.
 - 2.5.2 If a proposed supervisor is not a professional licensed by the Delaware Board of **~~[Professional Counselors of]~~** Mental Health and Chemical Dependency Counselors, the proposed supervisor must attest, on a ~~form provided by the Board for this purpose~~ the "Direct Supervision Verification" form, that the proposed supervisor has read and is familiar with the requirements for licensure in Delaware, including the applicable statutes, rules and regulations and that the proposed supervisor has the training to provide clinical supervision.
 - 2.5.3 In addition to these requirements, the applicant's supervisor must:
 - 2.5.3.1 Have been in practice for at least 2 years post-licensure without having been subject to any disciplinary actions; and
 - 2.5.3.2 ~~Have obtained a minimum of 3 hours of CE's in clinical supervision within 2 years of the application or a total of 12 CE's in clinical supervision lifetime; and~~
 - 2.5.3.3 Have no more than 10 total unlicensed or associate licensed supervisees at a time.
 - 2.5.4 An applicant is permitted to have been supervised by more than 1 supervisor.

(Break in Continuity of Sections)

4.0 Licensure for Chemical Dependency Professionals (LCDP)

4.1 Licensure by Certification Requirements

(Break in Continuity Within Section)

- 4.1.4 Acceptable Supervisors. Supervision provided by a Professional Chemical Dependency Professional licensed in any state or U.S. territory is acceptable to the Board.
 - 4.1.4.1 Supervision by a non-LCDP may be approved by the Board if the applicant can establish that the supervision was provided by a licensed behavioral health professional with a specialty or expertise in a clinical competency essential to the applicant's training. The applicant must use the "Request for Alternative Profession Supervisor" form to provide the Board with steps taken

to secure an LCDP supervisor, a compelling clinical reason for utilizing a non-LCDP supervisor, and the requested supervisor's qualifications. Examples of potentially acceptable licensed behavioral health professionals include licensed marriage and family therapists, psychologists, licensed clinical social workers, physicians, and advanced practice registered nurses.

- ~~4.1.2.24.1.4.2~~ If a proposed supervisor is not a professional licensed by the Delaware Board of ~~[Professional Counselors of]~~ Mental Health and Chemical Dependency Counselors, the proposed supervisor must ~~attest, on a form provided by the Board for this purpose; attest on the "Direct Supervision Verification" form, that the proposed supervisor has read and is familiar with the requirements for licensure in Delaware, including the applicable statutes, rules and regulations and that the proposed supervisor has the training to provide clinical supervision.~~
- ~~4.1.2.2.1~~ That the proposed supervisor has read and is familiar with the requirements for licensure as a Chemical Dependency Professional in Delaware, including the applicable statute and these regulations;
- ~~4.1.2.2.2~~ That the proposed supervisor has read and is familiar with either the DCB or NADAAC Code of Ethics;
- ~~4.1.2.2.3~~ That the proposed supervisor has been a licensed professional in good standing for at least 5 years; and
- ~~4.1.2.2.4~~ That the proposed supervisor has been appropriately trained to provide clinical supervision.
- ~~4.1.4.3~~ In addition to these requirements, the applicant's supervisor must:
- ~~4.1.4.3.1~~ Have been in practice for at least 2 years post-licensure without having been subject to any disciplinary actions;
- ~~4.1.4.3.2~~ Have no more than 10 total unlicensed or associate licensed supervisees at a time.
- ~~4.1.4.4~~ An applicant is permitted to have been supervised by more than 1 supervisor.

(Break in Continuity of Sections)

7.0 Licensure for Professional Art Therapists

(Break in Continuity Within Section)

7.5 Acceptable Supervisors

- 7.5.1 To be acceptable to the Board, a supervisor must be either:
- 7.5.1.1 A Professional Art Therapist licensed in any state or U.S. territory; or
- 7.5.1.2 An individual holding either the Registered and Board Certified Art Therapist, or Art Therapy Certified Supervisor credential from the Art Therapy Credentials Board.
- 7.5.2 Supervision by an individual not listed above may be approved by the Board if the applicant can establish that the supervision was provided by a licensed behavioral health professional with a specialty or expertise in a clinical competency essential to the applicant's training. The applicant must provide the Board a compelling clinical reason for utilizing an individual not listed above. Examples of potentially acceptable licensed behavioral health professionals include licensed marriage and family therapists, licensed professional counselors of mental health, psychologists, licensed clinical social workers, physicians, and advanced practice registered nurses.
- 7.5.3 If a proposed supervisor is not a professional licensed by the Delaware Board of **[Professional Counselors of]** Mental Health and Chemical Dependency Counselors, the proposed supervisor must attest, on a form provided by the Board for this purpose, that the proposed supervisor has read and is familiar with the requirements for licensure in Delaware, including the applicable statutes, rules and regulations and that the proposed supervisor has the training to provide clinical supervision.
- 7.5.4 In addition to these requirements, the applicant's supervisor must:
- 7.5.4.1 If licensed in another state or jurisdiction, have been in practice for at least 2 years post-licensure without having been subject to any disciplinary actions;
- 7.5.4.2 Have no more than 10 total supervisees at a time.
- 7.5.5 An applicant is permitted to have been supervised by more than 1 supervisor.

***Please note that no additional changes were made to the regulation as originally proposed and published in the March 2026 issue of the Register at page 761 (29 DE Reg. 761). Therefore, the final regulation is not being republished here in its entirety. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/july2026/final/30 DE Reg 46 07-01-26>

**DIVISION OF PROFESSIONAL REGULATION
Board of Veterinary Medicine**

Statutory Authority: 24 Delaware Code, Section 3306(a)(1) (24 **Del.C.** §3306(a)(1))
24 **DE Admin. Code** 3300

FINAL

ORDER

3300 Board of Veterinary Medicine

SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 24 **Del.C.** §3306(a)(1), the Delaware Board of Veterinary Medicine proposed to amend its regulation. The proposed amendments add a new Section 18.0 to set forth the requirements for the use of telemedicine in the practice of veterinary medicine. In addition, subsection 6.1.1 has been revised to strike language stating that the applicant must submit an application form obtained from the Board. This reference is outdated in that application “forms” are not provided by the Board. Finally, technical and style changes have been made to ensure consistency with the *Delaware Administrative Code Drafting and Style Manual*.

Notice of the proposed regulation was published in the *Register of Regulations* on May 1, 2026, Volume 29, Issue 11. The Board received no written comments.

**ASSESSMENT OF THE IMPACT ON ACHIEVEMENT OF THE STATE’S GREENHOUSE GAS EMISSIONS
REDUCTION TARGETS AND RESILIENCY TO CLIMATE CHANGE**

The Board has reviewed the proposed regulation as required by 29 **Del.C.** §10118(b)(3) and has determined that if promulgated, the regulation would have a neutral or positive impact on the State’s resiliency to climate change because compliance with the regulation would not reasonably involve the increase in greenhouse gas emissions.

FINDINGS OF FACT

On June 9, 2026, the Board considered the proposed regulation. The Board noted that subsection 9.1 needs revision due to an administrative error. The subsection indicates that licenses are renewed in odd years, when in practice, renewals have taken place in even years. This non-substantive change is needed in the interests of clarity for licensees. In the absence of any written comment, the Board determined to adopt the regulation as proposed with the noted non-substantive change to subsection 9.1.

DECISION TO ADOPT THE REGULATION

For the foregoing reasons, the Board concludes that it is appropriate to amend 24 **DE Admin. Code** 3300 as published on May 1, 2026 with the noted non-substantive revision. Therefore, pursuant to 24 **Del.C.** § 3306(a)(1), the amendments to 24 **DE Admin. Code** 3300, attached hereto as Exhibit A, are hereby adopted.

EFFECTIVE DATE OF ORDER

The effective date of this Order shall be 10 days from the date this Order is published in the *Register of Regulations*.

IT IS SO ORDERED this 9th day of June 2026.

ABSENT

Autumn Cooper, LVT, Professional Member
President

/s/ Erin Whaley

Erin Whaley, DVM, Professional Member
Vice President

/s/ Joanna Miller

Joanna Miller, LVT, Professional Member

/s/ Emily Thompson

Emily Thompson, Public Member

/s/ Sheryl Bielicki

Sheryl Bielicki, Public Member

***Please note: Electronic signatures ("/s/") were accepted pursuant to 6 Del.C. §12A-107(d).**

3300 Board of Veterinary Medicine

(Break in Continuity of Sections)

9.0 Licensure - Renewal, Reinstatement and Inactive Status

(24 Del.C. §3309)

- 9.1 Licenses shall expire biennially on every ~~[odd-even]~~ numbered year. License renewal shall be accomplished online at www.dpr.delaware.gov and shall include:
- 9.1.1 ~~the~~The applicable fee, and fee.
- 9.1.2 ~~attestation~~Attestation of completion of continuing education courses required by Section 10.0 of this regulation.
- 9.2 Continuing education requirements for renewal are specified in Section 10.0 of this regulation for veterinarians and Section 15.0 of this regulation for veterinary technicians.
- 9.3 The failure of the Board to give, or the failure of the licensee to receive, notice of the expiration date of a license shall not prevent the license from becoming invalid after its expiration date.
- 9.4 Any licensee who fails to renew his/~~her~~the licensee's license by the license expiration date may still renew his/~~her~~the licensee's license during the ~~one (1)-1~~ year period immediately following the license expiration date provided the licensee pay a late fee established by the Division of Professional Regulation in addition to the established renewal fee and attest to completing the continuing education requirements for renewal as specified in Section 10.0 of this regulation for veterinarians and Section 15.0 of this regulation for veterinary technicians.
- 9.5 Any licensee who fails to renew his/~~her~~the licensee's license within the ~~one (1)-1~~ year period immediately following the license expiration date may reinstate his/~~her~~the licensee's license provided the licensee pays a reinstatement fee established by the Division of Professional Regulation and attests to completing the continuing education requirements for reinstatement as specified in subsection 10.2 of this regulation for veterinarians and subsection 15.2 of this regulation for veterinary technicians.
- 9.6 A licensee who is not actively practicing in this State may request to have his/~~her~~the licensee's license placed on inactive status. Subsequent requests for extension of the period of inactive status shall be submitted in writing, with the inactive status renewal fee, to coincide with the biennial licensure renewal. A licensee may reactivate his/~~her~~the licensee's license provided the licensee pays a reactivation fee established by the Division of Professional Regulation and attests to completing the continuing education requirements for reactivation as specified in subsection 10.3 of this regulation for veterinarians and subsection 15.3 of this regulation for veterinary technicians.

***Please note that no additional changes were made to the regulation as originally proposed and published in the May 2026 issue of the Register at page 921 (29 DE Reg. 921). Therefore, the final regulation is not being republished here in its entirety. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/july2026/final/30 DE Reg 49 07-01-26>

**DIVISION OF PROFESSIONAL REGULATION
Board of Social Work Examiners**

Statutory Authority: 24 Delaware Code, Section 3906(a)(1) (24 **Del.C.** §3906(a)(1))
24 **DE Admin. Code** 3900

FINAL

ORDER

3900 Board of Social Work Examiners

SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 24 **Del.C.** §3906(a)(1), the Delaware Board of Social Work Examiners ("Board") proposed to amend its regulation. The amendments update the roles of the Board officers, the election of officers, and the standards for use of a non-licensed clinical social worker for clinical supervision. In addition, technical and style changes have been made to ensure consistency with the *Delaware Administrative Code Drafting and Style Manual*.

Notice of the proposed regulation was published in the *Register of Regulations* on May 1, 2026, Volume 29, Issue 11. The Board received no written comments.

**ASSESSMENT OF THE IMPACT ON ACHIEVEMENT OF THE STATE'S GREENHOUSE GAS EMISSIONS
REDUCTION TARGETS AND RESILIENCY TO CLIMATE CHANGE**

The Board has reviewed the proposed regulation as required by 29 **Del.C.** §10118(b)(3) and has determined that if promulgated, the regulation would have a neutral or positive impact on the State's resiliency to climate change because compliance with the regulation would not reasonably involve the increase in greenhouse gas emissions.

FINDINGS OF FACT

On June 15, 2026, the Board considered the proposed regulation. In the absence of any written comment, the Board determined to adopt the regulation as proposed.

DECISION TO ADOPT THE REGULATION

For the foregoing reasons, the Board concludes that it is appropriate to amend 24 **DE Admin. Code** 3900 as published on May 1, 2026. Therefore, pursuant to 24 **Del.C.** § 3906(a)(1), the amendments to 24 **DE Admin. Code** 3900, attached hereto as Exhibit A, are hereby adopted.

EFFECTIVE DATE OF ORDER

The effective date of this Order shall be 10 days from the date this Order is published in the *Register of Regulations*.

IT IS SO ORDERED this 15th day of June 2026.

/s/ Jamie Brown, LCSW
Jamie Brown, LCSW, Professional Member
President

/s/ Janet Urdahl, LCSW
Janet Urdahl, LCSW, Professional Member
Vice President

/s/ Joseph Anastasio
Joseph Anastasio, Professional Member

/s/ Diane Glenn, LBSW
Diane Glenn, LBSW, Professional Member

/s/ Roger Akin
Roger Akin, Public Member

/s/ Kim Epolito

Kim Epolito, Public Member

***Please note: Electronic signatures ("/s/") were accepted pursuant to 6 Del.C. §12A-107(d).**

***Please note that no changes were made to the regulation as originally proposed and published in the May 2026 issue of the *Register* at page 922 (29 DE Reg. 922). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/july2026/final/30 DE Reg 51 07-01-26>

GENERAL ASSEMBLY

DIVISION OF LEGISLATIVE SERVICES

Statutory Authority: 29 Delaware Code, Section 1134(a)(4) (29 Del.C. §1134(a)(4))
29 DE Admin. Code 101

FINAL

ORDER

101 Regulation Governing Administrative Rulemaking Procedures

The Registrar of Regulations of the Division of Legislative Services of the Legislative Council, under 29 Del.C. §1134(a)(4), proposes to amend 29 DE Admin. Code 101 Regulation Governing Administrative Rulemaking Procedures. The regulation was presented at the March 19, 2026 meeting of the Legislative Council.

Proposed amendments to 101 Regulation Governing Administrative Rulemaking Procedures were published under 29 Del.C. §10115 in the April 1, 2026 *Delaware Register of Regulations*, allowing public comments to be submitted through May 1, 2026.

Findings of Fact and Conclusions

The public was given notice and an opportunity to provide the Registrar of Regulations with comments in writing on the proposed amendments to the regulation. There were no public comments provided to the Registrar of Regulations during the public comment period.

Under 29 Del.C. §1134(a)(4), the Registrar of Regulations has the statutory authority to promulgate rules and regulations. The purpose of the amendments is to provide updated guidance on the procedures for the filing of regulations under the Administrative Procedures Act, 29 Del.C. Ch. 101, and for publication in the *Delaware Register of Regulations* and the Delaware Administrative Code that align with the most current practices.

Since no public comments were received, the text of the regulation remains as proposed in the April 1, 2026 *Delaware Register of Regulations*.

The Registrar of Regulations has reviewed the proposed regulation as required by 29 Del.C. §10118(b)(3) and has determined that any assessment of the impact of the proposed regulation is not practical.

IT IS ORDERED, that the proposed regulation, with the amended title, 101 Filing and Publication of Regulations, is adopted and shall be final effective 10 days after publication in the *Delaware Register of Regulations*.

Yvette W. Smallwood, Registrar of Regulations

Date: June 23, 2026

***Please note that no changes were made to the regulation as originally proposed and published in the April 2026 issue of the *Register* at page 850 (29 DE Reg. 850). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/july2026/final/30 DE Reg 52 07-01-26>

POLICE OFFICER STANDARDS AND TRAINING COMMISSION

Statutory Authority: 11 Delaware Code, Section 8404(a)(14) (11 Del.C. §8404(a)(14))
1 DE Admin. Code 801

FINAL

ORDER

801 Delaware Council on Police Training

NATURE OF THE PROCEEDINGS

At 29 DE Reg. 762 (03/01/26), the Police Officer Standards and Training Commission (POST), pursuant to 11 Del.C. §8404(a)(14), published notice of intent to propose amendments to 801 Regulations of the Delaware Council on Police Training. The proposed amendments, which were voted on during public meetings of POST on May 6, 2025 and November 18, 2025, sought comprehensive changes to the Regulations to, among other things, align the Regulations with amendments made to POST's enabling statute in 2023. The proposed amendments were published in the Register Regulations and provided for a public comment period through March 31, 2026. At the same time, POST submitted a Regulatory Flexibility Analysis and Impact Statement for the proposed amendments to Regulation 801, as required by 29 Del.C. Ch. 104. POST solicited written comments from the public for thirty (30) days as mandated by 29 Del.C. §10118(a).

SUMMARY OF THE EVIDENCE

POST received public comments from the Delaware State Police, the State Council for Persons with Disabilities, and Dr. Lewis Schlosser. Those comments were considered by POST at its public meeting held May 18, 2026. After discussing and considering the submitted comments, POST voted to finalize the regulations as proposed unless any minor changes would not result in a republication of the regulations as proposed and that the submitted comments would be considered further during the next review of the Regulations conducted by POST. The final regulatory amendments promulgated hereunder contain only non-substantive corrections to numbering discovered during the publication process, specifically in sections 8 and 12. A typographical error was also corrected section 10.1.1 to accurately reference that there are six types of instructors (as listed), and not five, as erroneously stated in the proposed amendments.

FINDINGS OF FACT

The public was given the required notice of POST's intention to amend the Regulations and was given the opportunity to submit comments. The required Regulatory Flexibility Analysis and Impact Statement for the Mandatory Standards was submitted. POST considered all comments submitted to POST and decided not to further amend the Regulations in any substantive manner at this time. Thus, POST finds that the proposed amendments as published previously should be accepted and adopted as originally published, along with the non-substantive changes noted above.

Further, an assessment of the impact of the proposed amendments to the Regulations on the achievement of the State's greenhouse gas emissions reduction target and the State's resiliency to climate change is not practical for this regulation.

EFFECTIVE DATE OF THE ORDER

The actions hereinabove referred to were taken by POST pursuant to 11 Del.C. §8404 (a)(14). The effective date of this Order shall be ten (10) days from the date of this Order is published in the *Register of Regulations*.

ORDER

NOW THEREFORE, under the statutory authority and for the reasons sent forth above, the Police Officer Standards and Training Commission does hereby ORDER this 22nd day of June, 2026, that the regulations be, and that they hereby are, adopted to be enacted as set forth below.

IT IS SO ORDERD, this 22nd day of June, 2026.

POLICE OFFICER STANDARDS AND TRAINING COMMISSION

<u>/s/ Nathaniel McQueen Jr.</u> Nathaniel McQueen Jr. Chair	<u>/s/ Lt. Andrew Rubin</u> Chief of Police, Newark Police Department/Proxy
<u>/s/ Bob Irwin</u> Attorney General/Proxy	<u>/s/ Major Sean Moriarty</u> Superintendent of State Police/Proxy
<u>/s/ Mr. Lew Killmer</u> Delaware League of Governments	<u>/s/ Chief Thomas Johnson</u> Chief of Police, Dover Police Department
<u>/s/ Insp. Charles Emory</u> Chief of Police, Wilmington Police Department/Proxy	<u>Robin Christiansen</u> Mayor, City of Dover
<u>/s/ Captain Daniel Roger</u> Captain Daniel Rogers Chief of the New Castle County/Proxy	<u>/s/ Patrick Ogden</u> Patrick Ogden Chair of Police Chiefs' Council/Proxy
<u>/s/ William West</u> Mayor, City of Georgetown	<u>(absent)</u> Department of Education
<u>/s/ Franklin Cooke, Jr.</u> Representative Franklin Cooke, Jr. Chair of the Public Safety Committee of the House of Representatives	<u>/s/ Mr. William Collick</u> Public Appointee
<u>(absent)</u> Senator Marie Pinkney Corrections and Public Safety Committee	

*Please note: Electronic signatures ("/s/") were accepted pursuant to 6 Del.C. §12A-107(d).

801 Regulations of the Delaware Council on Police TrainingPolice Officer Standards and Training Commission

(Break in Continuity of Sections)

8.0 Re-activation Requirements of Police Officers

(Break in Continuity Within Section)

- 8.2 Re-activation Requirements under subsection 8.2 of this regulation is met.
- 8.2.1 If not employed on a permanent basis for a period of less than 12 months, an individual must complete all in-service requirements mandated by the Council pursuant to 11 Del.C. §8404(a)(5) prior to recommencing employment.

8.2.2 If not employed on a permanent basis for a period of greater than 12 months but less than 36 months, an individual must undergo the following:

8.2.2.1 Medical background including:

8.2.2.1.1 Medical history / physical examination form;

8.2.2.1.2 Physicians affidavit;

8.2.2.1.3 Weight chart;

- 8.2.2.1.4 Substance abuse screen;
- 8.2.2.1.5 Eye exam; and
- 8.2.2.1.6 Hearing test.
- 8.2.2.2 The results of a validated psychiatric / psychological test and interview, indicating competency to perform law enforcement duties.
- 8.2.3 If an officer has not been employed by a police department, on a full-time basis, for a period not exceeding 3 years, the officer must fulfill the below requirements:
 - 8.2.3.1 Applicants shall be examined by a licensed physician to ensure that they are physically able to perform the functions of a police officer, including meeting the following minimal standards:
 - ~~[8.2.3.28.2.3.1.1]~~ Applicants shall be free from any major impediment of the senses.
 - ~~[8.2.3.38.2.3.1.2]~~ Applicants shall be examined by a licensed ophthalmologist or optometrist and shall possess acuity of vision independently in each eye of not more than 20/200. correctable to 20/20. Applicants shall have the ability to distinguish between the colors of red, green, and amber; and shall have no pathology of the eyes. Applicants shall also possess normal depth perception.
 - ~~[8.2.3.48.2.3.1.3]~~ Applicants shall possess hearing in each ear to the degree considered to be within normal limits or range.
 - ~~[8.2.3.58.2.3.2]~~ Applicants shall have no physical limitations preventing them from performing the essential functions of a police officer with or without reasonable accommodations.
 - ~~[8.2.3.68.2.3.3]~~ Applicants must pass a drug-screening test prior to appointment. At a minimum, drug tests will screen for the following:
 - ~~[8.2.3.6.18.2.3.3.1]~~ Amphetamines (speed, uppers, meth);
 - ~~[8.2.3.6.28.2.3.3.2]~~ Barbiturates (barbs, downers);
 - ~~[8.2.3.6.38.2.3.3.3]~~ Benzodiazepines (tranquilizers, Valium);
 - ~~[8.2.3.6.48.2.3.3.4]~~ Cannabidiol (THC, marijuana);
 - ~~[8.2.3.6.58.2.3.3.5]~~ Cocaine (crack);
 - ~~[8.2.3.6.68.2.3.3.6]~~ Methaqualone (quaaludes, ludes);
 - ~~[8.2.3.6.78.2.3.3.7]~~ Opiates (heroin, morphine, fentanyl);
 - ~~[8.2.3.6.88.2.3.3.8]~~ Phencyclidine (PCP); and
 - ~~[8.2.3.6.98.2.3.3.9]~~ Designer Drugs (ecstasy, MDMA, ketamine).
 - ~~[8.2.3.78.2.3.4]~~ Applicants shall take and successfully complete a validated psychiatric/psychological test to demonstrate competency to perform the essential duties of a police officer. The comprehensive psychological examination may be performed in person or virtually. Applicants shall not be cleared for police academy attendance or service as a police officer if the examination identifies any history of psychoneurotic reactions resulting in hospitalization, prolonged care by physician or loss of time for repeated periods. All applicants must be recommended by a licensed psychiatrist or psychologist that they are psychologically and emotionally fit to attend the police academy and perform as a police officer.
 - ~~[8.2.3.88.2.3.5]~~ A criminal and employment background investigation, including complaint and disciplinary files, to determine suitability to perform the functions of a police officer.
 - 8.2.2.3 ~~Current criminal history record check, including fingerprints obtained from the State Bureau of Investigations.~~
 - 8.2.2.4 ~~Background investigation. Standardized form (IV-14) which consists of a minimum checklist.~~
 - 8.2.2.5~~[8.2.3.98.2.3.6]~~ All training requirements prescribed by the CouncilPOST, including, but not limited to First Responder and Firearms recertification.first responder, less lethal weapons, defensive tactics, active shooter, firearms recertification, and respective policies.
 - 8.2.2.6 ~~Firearms training.~~
 - 8.2.3~~8.2.4~~ If not employed on a permanent basis for a period of greater than 36 months but less than 60 months, an individual must undergo the following: If an officer has not been employed by a police department, on a full-time basis, for a period between 3 and 5 years, the officer must fulfill the requirements set forth in subsection 8.2.1 and must also:
 - 8.2.3.1 ~~Medical background including:~~
 - 8.2.3.1.1 ~~Medical history / physical examination form;~~
 - 8.2.3.1.2 ~~Physicians affidavit;~~
 - 8.2.3.1.3 ~~Weight chart;~~
 - 8.2.3.1.4 ~~Substance abuse screen;~~
 - 8.2.3.1.5 ~~Eye exam; and~~

- 8.2.3.1.6 — Hearing test.
- 8.2.3.2 — ~~The results of a validated psychiatric / psychological test and interview, indicating competency to perform law enforcement duties.~~
- 8.2.3.3 — ~~Current criminal history record check, including fingerprints obtained from the State Bureau of Investigation.~~
- 8.2.3.4 — ~~Background investigation. Standardized form (IV-14) which consists of a minimum checklist.~~
- 8.2.3.5 — ~~First Responder recertification.~~
- 8.2.3.68.2.4.1 — ~~Complete a Firearms basic certification course.~~
- 8.2.3.78.2.4.2 — ~~Complete an academy basic criminal procedures, criminal law and traffic law course.~~
- 8.2.3.88.2.4.3 — ~~Complete any other academic requirement imposed by the Administrator~~Executive Director.
- 8.2.48.2.5 — ~~If not employed on a permanent basis for a period of greater than 60 months, an individual must satisfy all requirements imposed by the Administrator following a review of the individual's training history and after approval by the Council. If the period of unemployment on a permanent basis by a Department exceeds 5 years, the officer must fulfill the above requirements in subsection 8.2.3 and also attend and complete a full approved academy.~~

(Break in Continuity of Sections)

10.0 Minimum Qualifications for Police Instructors

- 10.1 Proposed instructors shall forward a resume including information relative to their education, experience in law enforcement, experience and suitability in instruction, ability at oral and written communication, and physical and personal appearance to the ~~Administrator~~Executive Director.
- 10.1.1 The instructors shall be of ~~5~~the [56] following types:
- 10.1.1.1 ~~Certified Instructors: Those used instructors: those trained in general police instruction and who have been in law enforcement in a sworn position for a minimum of 5-3 years. These instructors shall complete police instructor school as approved by the Council and a the POST Certified Instructor Course, instructed by a Master Instructor.~~
- 10.1.1.2 ~~Limited Instructor: Those who, by their special knowledge and preparation, are suited to instruct certain courses requiring such special knowledge and education shall have the 5-year minimum experience waived. These instructors may be given a certification limited in subject matter. Specialized Instructor: individuals who, by their special knowledge and preparation, are suited to instruct certain courses requiring special knowledge and education. These instructors may be given a certification limited in subject matter.~~
- 10.1.1.3 ~~Master Instructor: A police officer certified by the Council to teach a police instructor school. individuals trained in general and specialized instruction who have worked in law enforcement in a sworn position and who have been a certified instructor for a minimum of 3 years. These instructors shall complete the POST Certified Master Instructor Course, instructed by a Master Instructor. Master Instructors will teach the certified instructors' courses, approve new instructors, review and develop curriculum, and assist and evaluate current instructors and police academy directors with training.~~
- 10.1.1.4 ~~Firearms Instructor: Defined in 1 DE Admin. Code 803.~~
- 10.1.1.5 ~~Master Firearms Instructor: Defined in 1 DE Admin. Code 803.~~
- 10.1.1.6 ~~Approved Instructor: individuals trained in general police instruction and who have worked in the criminal justice system in a non-sworn position. These instructors shall complete the POST Approved Instructor Course, instructed by a Master Instructor.~~

(Break in Continuity of Sections)

12.0 Minimum Standards Firearms Qualification Course of Fire

(Break in Continuity Within Section)

- 12.2 Handgun Concealed Carry Standards and H.R. 218
- 12.2.1 This regulation sets forth the minimum qualification standards for concealed weapon handguns for active duty police officers and for retired law enforcement officers who qualify under the Law Enforcement Officers Safety Act of 2004 (H.R. 218).
- 12.2.2 These are minimum standards and shall not prevent any police department from establishing stricter or additional rules or regulations to qualify to conceal carry a firearm on or off duty.

YARD LINE	COURSE OF FIRE	TOTAL ROUNDS
15 to 7	Advance Towards Target	9
7	Centered Behind Barricade Covered	16
5/Less	Lateral Movement	12
5/Less	Move Back	6
5/Less	One ~~1~~ Hand Reload, Strong/Weak Hand Only	7

TOTAL OF FIFTY ROUNDS

- ~~12.2.3~~**[12.212.3]** The instructor will determine at what distance, in what manner, and how many rounds are fired on each command.
- ~~12.2.4~~**[12.312.4]** Retired law enforcement officers must qualify a minimum of once annually and obtain a minimum score of 80%.
- ~~12.2.5~~**[12.412.5]** If the weapon system or holster is different from active duty use, the officer must qualify a minimum of once annually and obtain a minimum of 80%.
- ~~12.2.6~~**[12.512.6]** Under no circumstances, will an officer be permitted to carry a firearm on duty unless the officer has met the qualification standards with that weapon.
- ~~12.3~~**[12.612.7]** Shotgun Minimum Standards: the following course of fire will be used for all shotguns for both day and "low light" qualifications. The instructor will determine at what distance, in what manner, method of scoring, type of target, and how many rounds are fired on each command depending on the weapon and the capability of the ammunition.
- ~~12.3.1~~ Departments using shotguns will be required to qualify 3 times a year, 2 day courses and 1 "low light" course. A minimum of 60 days is required between the 2 day courses. The "low light" course may be conducted on the same day as 1 day qualification course.
- ~~12.3.2~~ Service ammunition will be collected annually and replaced with new ammunition. The collected ammunition may be used for training and qualification.
- ~~12.3.3~~ All training ammunition shall be comparable to issued ammunition in performance characteristics.
- ~~12.3.4~~ Departments using shotguns will fire a minimum of 30 rounds of ammunition for proficiency training per year. This ammunition will not include the ammunition required for qualification courses.
- ~~12.3.5~~ An average score of 80% must be obtained to be qualified with the approved shotgun. The method of scoring and type of target will be determined by the instructor.
- ~~12.3.6~~ All qualifications are to be completed with authorized weapons and ammunition.
- ~~12.3.7~~ Departments are required to complete a qualification course with each type of ammunition that is issued.

YARD LINE	COURSE OF FIRE	TOTAL ROUNDS
3/25	Two ~~2~~ Different Positions, Three ~~3~~ Different Yardages	5
TOTAL OF FIVE ~~5~~ ROUNDS		

- ~~12.3.8~~ The instructor will determine at what distance, in what manner, and how many rounds are fired on each command depending on the weapon and the capability of the ammunition.
- ~~12.4~~**[12.712.8]** Patrol Rifle Minimum **[StandardsStandards.]**
- ~~12.4.1~~ Departments using patrol rifles will be required to qualify 3 times a year, 2 day courses and 1 "low light" course. A minimum of 60 days is required between the 2 day courses. The "low light" course may be conducted on the same day as 1 day qualification course.
- ~~12.4.2~~ Service ammunition will be collected annually and replaced with new service ammunition. The collected ammunition may be used for training and qualification.
- ~~12.4.3~~ All training ammunition shall be comparable to issued ammunition in performance characteristics.
- ~~12.4.4~~ Departments using patrol rifles will fire a minimum of 50 rounds of ammunition for proficiency training from the patrol rifle during each shoot. This is a total of 150 rounds per calendar year. This ammunition

will not include the ammunition required for qualification courses. An average score of 80% must be obtained to be qualified. The method of scoring and the type of target will be determined by the instructor.

12.4.5 All qualifications are to be completed with authorized weapons and ammunition.

12.4.6 ~~[12.7.1]~~ The following course of fire will be used for all caliber patrol rifles for both day and "low light" qualification.

COURSE OF FIRE

~~[12.7.2]~~ **12.8.1** Will consist of 50 rounds and will include at least 1 rifle magazine change.

~~[12.7.3]~~ **12.8.2** Will include at least 1 transition to the handgun, and 10 of the 50 rounds may be fired from the handgun after transition.

~~[12.7.4]~~ **12.8.3** A minimum of 20 rounds will be fired from a distance of 25 yards or greater. Shooters must demonstrate proficiency from at least 50 yards. This may be accomplished by using reduced size targets to simulate 50 yards.

~~[12.7.5]~~ **12.8.4** Shooters must use at least 3 different shooting positions; at least 1 must be from a position of cover.

~~[12.8.1]~~ **12.9** Less-Lethal Weapons and Ammunition

~~[12.8.1]~~ **12.9.1** A less-lethal weapon system is specifically utilized for the purposes of deploying a dynamic, high energy less-lethal round.

~~[12.8.2]~~ **12.9.2** Less-lethal munitions are designed to offer an alternative to the use of deadly force, when appropriate.

~~[12.8.3]~~ **12.9.3** The minimum training standards for less-lethal weapons and ammunition are as follows:

~~[12.8.3.1]~~ **12.9.3.1** A minimum of 1 qualification shoot per calendar year;

~~[12.8.3.2]~~ **12.9.3.2** All qualification ammunition shall be comparable to issued less-lethal ammunition in performance characteristics.

~~[12.8.3.3]~~ **12.9.3.3** A minimum of 3 less-lethal rounds will be fired annually for proficiency training from the dedicated less-lethal weapon. Simunition rounds can be used during proficiency training.

~~[12.8.3.4]~~ **12.9.3.4** A minimum of 2 out of 3 rounds must strike the preferred target area to qualify with less-lethal weapons. The method of scoring will be consistent with striking the preferred target zones outlined in applicable training curriculum.

~~[12.8.4]~~ **12.9.4** Additional training exceeding the standard set forth in this regulation would be at the respective agencies' discretion.

~~[12.8.5]~~ **12.9.5** Issued less-lethal ammunition will be collected and replaced annually.

*Please note that no additional changes were made to the regulation as originally proposed and published in the March 2026 issue of the *Register* at page 762 (29 DE Reg. 762). Therefore, the final regulation is not being republished here in its entirety. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/july2026/final/30 DE Reg 53 07-01-26>

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF WATERSHED STEWARDSHIP

Statutory Authority: 7 Delaware Code, Section 4006(h) and (i) (7 **Del.C.** §4006(h) & (i))
7 **DE Admin. Code** 5101

GENERAL NOTICE

NOTICE

5101 Sediment and Stormwater Regulations

The Department of Natural Resources and Environmental Control (DNREC) Division of Watershed Stewardship Sediment and Stormwater Program has released new and revised regulatory guidance documents for public review. These documents support **Regulation No. 5101 Sediment and Stormwater Regulations** (DSSR), as set forth at 7 **Del.C.** §4006(h) and (i).

The new and revised regulatory guidance documents, and brief descriptions follow:

- Regulatory Guidance Memo 6 (RGM-6): Extended Detention R_{Pv} Credit and Design Procedures, provides background on the regulatory requirements for managing R_{Pv} credits, defines how R_{Pv} credit is quantified, and establishes procedures for demonstrating compliance and R_{Pv} credit when utilizing extended detention BMPs.
- DURMMv2.6 combines the two current versions of DURMMv2.51 into a single workbook, modifies the computation for submerged gravel wetland, reduces the number of BMPs computed in series, and provides additional tools to demonstrate compliance for extended detention BMPs in accordance with RGM-6.
- Summary Table for Site R_{Pv} Compliance has revised notes to reference DURMMv2.6.

The DNREC Sediment and Stormwater Program hereby provides notice of these regulatory guidance documents, pursuant to 7 **Del.C.** §4006(i), which incorporates the provisions of 7 **Del.C.** §6004. A public hearing will NOT be held unless the Secretary receives a meritorious request for a hearing within 15 days of date of this notice, ending July 16, 2026. A request for a public hearing shall be in writing and show familiarity with the regulatory guidance document and provide a reasoned statement of the regulatory guidance document's probable impact.

These documents and supporting information may be reviewed at the following link:

<https://dnrec.delaware.gov/watershed-stewardship/sediment-stormwater/>

Questions regarding the revised regulatory guidance document may be directed to Bonnie Arvay, bonnie.arvay@delaware.gov.

CALENDAR OF EVENTS/HEARING NOTICES

DELAWARE RIVER BASIN COMMISSION

PUBLIC NOTICE

Notice of Quarterly Business Meeting and Public Hearing

DELAWARE RIVER BASIN COMMISSION

Public Notice

The Delaware River Basin Commission will hold a public hearing on **Wednesday, August 5, 2026**, commencing at **1:30 p.m.** The public hearing will be conducted remotely. The draft docket decisions that will be subjects of the public hearing, along with details about the remote platform and how to attend, will be posted on the Commission's website, www.drbc.gov, at least ten (10) days prior to the meeting date.

The Commission's quarterly business meeting will be held on **Wednesday, September 2, 2026**, commencing at approximately **11:00 a.m.** The business meeting will take place in person at Washington Crossing Historic Park, Washington Crossing, Pennsylvania, and will also be live-streamed. Please consult the DRBC website at www.drbc.gov for the most current information regarding meeting times. Additional details about the location and how to attend the meeting in person, as well as links to the live streams of this event and an agenda, will also be available on the DRBC website at least ten (10) days prior to the meeting date.

For additional information, including links to live streams of these events, please visit the DRBC website at www.drbc.gov or contact@drbc.gov.

Pamela M. Bush, Esquire

DEPARTMENT OF AGRICULTURE

STANDARDBRED BREEDERS' FUND

Standardbred Breeders' Fund Board

PUBLIC NOTICE

502 Standardbred Breeders' Fund Regulations

Summary

The Delaware Standardbred Breeders' Fund Board proposes to amend its Regulation adopted in accordance with Title 3, Section 10081(c) of the Delaware Code. The proposed changes include amendments to Sections 3.0, 4.0, 13.0 and 14.0. The proposed changes to Section 3.0 include deleting subsection 3.1 as no longer relevant, amending existing subsection 3.2 to include a late supplemental payment for horses not registered by the May 15th of the horse's yearling year which will be accepted if it is received by March 15th of the horse's 2-year-old year, and deleting the subsection designations consistent with the *Delaware Administrative Code Drafting and Style Manual*. The proposed changes to Section 4.0 include deleting subsection 4.2 as no longer relevant, amending existing subsection 4.1 to provide that the bonus payment percentages are a minimum percentage rather than a set amount and expand eligibility for bonus payments to include 3-year-olds, and deleting the subsection designations consistent with the *Delaware Administrative Code Drafting and Style Manual*. The proposed changes to Section 13.0 include amending subsection 13.6.5 to provide that the minimum purse for consolation races shall be \$15,000 and making other technical and style changes to subsections 13.1, 13.6, and 13.6.3 consistent with the *Delaware Administrative Code Drafting and Style Manual*. The proposed changes to Section 14.0 include amending subsection 14.2 to make clear that payment due dates falling on a weekend or a state or federal holiday are extended to the following business day, amending subsection 14.5 to clarify that the 2-year-old sustaining payment is due on April 15th and to include a late supplemental payment for horses not registered by May 15th of the horse's yearling year which will be accepted if it is received by March 15th of the horse's 2-year-old year, and making other technical and style changes to subsections 14.3, 14.4, and 14.5 consistent with the *Delaware Administrative Code Drafting and Style Manual*. Other regulations issued by the Department are not affected by this proposal. The Department is issuing this proposed regulation in accordance with Title 3 of the Delaware Code. This notice is issued pursuant to the requirements of Chapter 101 of Title 29 of the Delaware Code.

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Comments

A copy of the proposed regulation is being published in the July 1, 2026 edition of the *Delaware Register of Regulations*. A copy is also on file in the office of the Delaware Department of Agriculture, 2320 South DuPont Highway, Dover, Delaware 19901 and is available for inspection during regular office hours. Copies are also published online at the *Register of Regulations* website: https://regulations.delaware.gov/register/current_issue.shtml.

Interested parties may offer written comments on the proposed regulations or submit written suggestions, data, briefs or other materials to the Delaware Standardbred Breeders' Fund Board at the above address as to whether this proposed regulation should be adopted, rejected or modified. Pursuant to [29 Del.C. §10118\(a\)](#), public comments must be received on or before July 31, 2026. Written materials submitted will be available for inspection at the above address.

DEPARTMENT OF EDUCATION STATE BOARD OF EDUCATION PUBLIC NOTICE Notice of Monthly Meeting

The State Board of Education meets monthly, generally at 5 p.m. on the third Thursday of the month. These meetings are open to the public. The Board rotates locations of regular meetings among the 3 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 HEALTH AND SOCIAL SERVICES DIVISION OF MEDICAID AND MEDICAL ASSISTANCE PUBLIC NOTICE Glucagon-Like Peptide-1 (GLP-1)

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 Title XIX Medicaid State Plan regarding Glucagon-Like Peptide-1 (GLP-1), specifically, to broaden the language in the State Plan with guidance from CMS, to provide the state with increased flexibility to determine coverage of drugs for anorexia, weight loss, and weight gain without additional changes to the State Plan.

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 July 31, 2026. Please identify in the subject line: Glucagon-Like Peptide-1 (GLP-1)

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 HEALTH AND SOCIAL SERVICES DIVISION OF MEDICAID AND MEDICAL ASSISTANCE PUBLIC NOTICE 14000 Medicaid General Eligibility Requirements

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

CALENDAR OF EVENTS/HEARING NOTICES

Medical Assistance (DHSS/DMMA) is proposing to amend the Division of Social Services Manual (DSSM), specifically, to amend the retroactive eligibility requirements to comply with federal regulations.

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 by mail 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 July 31, 2026. Please identify in the subject line: Retroactive Eligibility Determination

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 NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF AIR QUALITY PUBLIC NOTICE

1147 CO2 Budget Trading Program

SAN # 2026-02
DOCKET # 2026-R-A-0003

BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

Since 2009, Delaware and nine other states have implemented a regional program to reduce CO2 emissions; known as the Regional Greenhouse Gas Initiative (RGGI). In 2025, Delaware and other participating states finalized revisions to the RGGI program. The purpose of this action is to amend **7 DE Admin. Code 1147** to reflect these revisions. The proposed amendments to 1147 will include an adjustment in Delaware's portion of the regional cap beginning in 2027-2037; replacing Emissions Containment Reserve with increased minimum reserve price; amending the quantity of allowances in the Cost Containment Reserve; adding an additional Cost Containment Reserve; updating the regional base CO2 allowance amount; removing Offsets from RGGI design beginning in 2027 and other minor program adjustments.

NOTICE OF PUBLIC COMMENT:

A virtual public hearing (Docket # 2026-R-A-0003) will be held on Tuesday, July 28, 2026 beginning at 6 p.m. The web link to the virtual hearing can be accessed through the DNREC Public Hearings site at <https://de.gov/dnrechearings>. If prompted for a password, please use: 004071. To access the audio-only portion of the virtual hearing, dial 1-929-205-6099 and enter the Meeting ID 883 5048 7609. Language assistance is available by request within 10 business days of the hearing. Closed captioning is available via the Zoom virtual meeting tool.

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 at <https://de.gov/dnrecomments> or by telephone at 302-739-9001. The proposed amendments may be inspected online starting July 1, 2026 at https://regulations.delaware.gov/register/current_issue, or in-person, by appointment only, by contacting Valerie Gray by phone at 302-739-9402 or by email at Valerie.Gray@delaware.gov.

The Department will accept public comment through the close of business on Friday, August 14, 2026. Comments will be accepted in written form via email to DNRECHearingComments@delaware.gov, or by using the online form at <https://de.gov/dnrecomments>, 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 NATURAL RESOURCES AND ENVIRONMENTAL CONTROL DIVISION OF PARKS AND RECREATION PUBLIC NOTICE 9201 Regulations Governing State Parks

SAN # 2025-09
DOCKET # 2025-R-P-0017

BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

Proposed regulations changes to amend current regulations to be in compliance with Delaware Code and to formalize programs and initiatives added or changed since the last review of the code.

OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:

The agency does not believe that other regulations will be impacted.

NOTICE OF PUBLIC COMMENT:

A virtual public hearing (Docket #2025-R-P-0017) will be held on Wednesday, August 5, 2026, beginning at 6:00 pm. The web link to the virtual hearing can be accessed through the DNREC Public Hearing site at DNREC Public Hearings - DNREC. If prompted, use Meeting ID: 892 7738 9404 and Passcode: 497132. To access the audio-only portion of the virtual hearing, dial 1-309-205-3325 and enter the Meeting ID and Passcode noted above. Language assistance is available by request within 10 business days of the hearing. Closed captioning is available via the Zoom virtual meeting tool.

Those wishing to offer verbal comments during DNREC public hearings must pre-register no later than noon on the date of the virtual hearing at <https://dnrec.delaware.gov/public-hearings/comments/registration/> or by telephone at 302-739-9001.

The proposed amendments may be inspected online starting July 1, 2026, (when the Monthly Register is published) at https://regulations.delaware.gov/register/current_issue, or in-person, by appointment only by contacting Kristie Wyatt by phone at 302-739-9192 or by email at kristie.wyatt@delaware.gov.

Public comments will be accepted through the close of business on Thursday, August 20, 2026. Comments will be accepted in written form via email to DNRECHearingComments@delaware.gov, or by using the online form at <https://dnrec.delaware.gov/public-hearings/comment-form/>, or by US mail to the following address:

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

DEPARTMENT OF STATE DIVISION OF PROFESSIONAL REGULATION Board of Examiners in Optometry PUBLIC NOTICE 2100 Board of Examiners in Optometry

The Delaware Board of Examiners in Optometry, pursuant to 24 Del.C. § 2104(a)(1), proposes to amend its regulations to clarify who may supervise an optometry intern and what is considered a passing score of the examination given by the National Board of Examiners in Optometry. The proposed changes also eliminate provisions which are duplicative of the statute and implement grammar and style changes to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Anyone who would like to present their views regarding this matter may do so in writing by submitting them to the

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Division of Professional Regulation. Written comments should be sent to Maya Echols, Administrator of the Delaware Board of Examiners in Optometry, Cannon Building, 861 Silver Lake Blvd, Suite 203, Dover, DE 19904. Written comments will be accepted until July 31, 2026.

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
Board of Professional Land Surveyors
PUBLIC NOTICE
2700 Board of Professional Land Surveyors

Pursuant to [24 Del.C. § 2706\(a\)\(1\)](#), the Delaware Board of Professional Land Surveyors ("Board") has proposed revisions to its regulation.

Proposed amendments to subsection 9.3 clarify and update the requirements for late renewal of a licensee or certificate holder's license or certificate.

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

Anyone wishing to receive a copy of the proposed regulation may obtain a copy from the Delaware Board of Professional Land Surveyors, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Michelle Walls, Administrator of the Delaware Board of Professional Land Surveyors, at the above address or to michelle.walls@delaware.gov. Written comments will be accepted until 5:00 p.m. on July 31, 2026, pursuant to [29 Del.C. § 10118\(a\)](#).

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
Board of Examiners of Nursing Home Administrators
PUBLIC NOTICE
5200 Board of Examiners of Nursing Home Administrators

Pursuant to [24 Del.C. § 5206\(1\)](#), the Delaware Board of Examiners of Nursing Home Administrators ("Board") has proposed revisions to its Regulation. 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 nursing home administration services, regulated by [24 Del.C.](#), Ch. 52, and its secondary objectives to maintain minimum standards of practitioner competency and to maintain certain standards in the delivery of services to the public.

An amendment is proposed to Regulation subsection 3.0 to allow for a change to a nursing home administrator-in-training's preceptor.

An amendment is proposed to Regulation subsection 3.0 to set the number of nursing home administrators-in-training that a preceptor may supervise.

Anyone wishing to receive a copy of the proposed changes may obtain a copy from the Delaware Board of Nursing Home Administrators, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Michelle Walls, Administrator of the Delaware Board of Nursing Home Administrators, at the above address or to michelle.walls@delaware.gov. Written comments will be accepted until 5:00 p.m. on July 31, 2026, pursuant to [29 Del.C. § 10118\(a\)](#).

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DEPARTMENT OF STATE

DIVISION OF SMALL BUSINESS

PUBLIC NOTICE

2000 Delaware Entertainment Production Tax Credit Program

In compliance with the State's Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of 30 **Del.C.** §2005F, the Division of Small Business ("Division") proposes to promulgate new regulations regarding criteria and procedures governing the Delaware Entertainment Production Tax Credit Program ("Program"), created by House Bill No. 364 and House Amendment No. 1 to House Bill No. 364 of the 153rd General Assembly. House Bill No. 364 and House Amendment No. 1 to House Bill No. 364 of the 153rd General Assembly have not yet passed both chambers of the General Assembly or been signed into law. If passed and signed into law, the Act will be effective as of July 1, 2026.

In accordance with 29 **Del.C.** §10116, persons wishing to submit written comments, suggestions, briefs, and compilations of data or other written materials concerning the proposed modifications should direct them to the following address:

Joe Zilcosky
Northern New Castle Business Manager
Department of State
Division of Small Business
820 N. French Street, 10th Floor
Wilmington, DE 19801

Comments may also be directed via electronic mail to joe.zilcosky@delaware.gov. Any written submission in response to this notice and relevant to the proposed rules must be received by the above contact at the Division of Small Business no later than 4 p.m. EST, July 31, 2026.

The action concerning determination of whether to adopt the proposed regulations will be based upon the Division's consideration of the written comments and any other written materials filed by the public.
