

## DEPARTMENT OF EDUCATION

### PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, April 18, 2019 at Carrcroft Elementary School (503 Crest Road, Wilmington, DE 19803).

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## DEPARTMENT OF HEALTH AND SOCIAL SERVICES

### DIVISION OF HEALTH CARE QUALITY

#### PUBLIC NOTICE

#### 3320 Intensive Behavioral Support and Educational Residence

Delaware Health and Social Services ("Department") / Division of Health Care Quality initiated proceedings to amend the Intensive Behavioral Support and Educational Residence (IBSER) regulations. The Department's proceedings to amend its regulations are initiated pursuant to 29 Delaware Code Section 10114 and its authority as prescribed by 31 Delaware Code Section 512.

The Department will publish its notice of proposed regulation changes pursuant to 29 Delaware Code Section 10115 in the April 2019 Delaware *Register of Regulations*. Written comments and suggestions from the public concerning the proposed regulations are to be produced by May 1, 2019, at which time the Department will receive information, factual evidence and public comment to the said proposed changes to the regulations.

Comments can be sent via email to [Renee.Purzycki@delaware.gov](mailto:Renee.Purzycki@delaware.gov), or by mail to Renee Purzycki, 3 Mill Road, Suite 308, Wilmington, DE 19806.

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### DIVISION OF PUBLIC HEALTH

#### PUBLIC NOTICE

#### 4458A Cottage Food Regulations

Pursuant to 16 **Del.C.** §122(3)(u)(1), Health Systems Protection Section (HSP), Division of Public Health, Department of Health and Social Services, is proposing revisions to the regulations governing Cottage Foods. On April 1, 2019, the Division of Public Health plans to publish as "proposed" revised Cottage Food Regulations. The revisions include the introduction of language related to food allergens, clarification of the period of time for which a permit is valid, and other technical corrections.

Copies of the proposed regulations are available for review in the April 1, 2019 edition of the Delaware *Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Division of Public Health at (302) 744-4951.

Any person who wishes to make written suggestions, testimony, briefs or other written materials concerning the proposed regulations must submit them to Alanna Mozeik by Wednesday, May 1, 2019, at:

Alanna Mozeik  
Division of Public Health  
417 Federal Street  
Dover, DE 19901  
Email: [Alanna.mozeik@delaware.gov](mailto:Alanna.mozeik@delaware.gov)  
Phone: (302) 744-4951

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## DEPARTMENT OF INSURANCE

### OFFICE OF THE COMMISSIONER

#### PUBLIC NOTICE

#### 1410 Reporting Medical Management Protocols for Insurance Coverage for Serious Mental Illness and Drug And Alcohol Dependency

Senate Bill No. 230 as amended by Senate Amendment No. 1 (SB 230/SA1) became effective on September 1, 2018. See Del. S.B. 230/Del. S.A. 1, 149<sup>th</sup> Gen. Assem. § 1 (2018). Carriers are now required to submit a report to the Delaware Health Information Network, Inc., in conjunction with the Delaware Department of Insurance (the Department) on or before July 1, 2019, and "every year thereafter in which the carrier makes significant changes to how it designs and applies its medical management protocols." *Id.*

Section 3 of SB 230/SA1 amended Section 25 of Title 31 to now require identical reporting requirements for coverage for serious mental illness and drug and alcohol dependency for recipients of aid under the Federal Medicaid assistance program, which is administered through Delaware's Department of Health and Social Services.

At Section 4 of SB 230/SA1, the General Assembly charged the Department with adopting regulations regarding the format and submission timing of the reports required under Sections 1 through 3 of SB 230/SA1.

To the extent that the NAIC has adopted a model enforcement mechanism concerning mental health parity reporting which is designed to standardized data requests on this issue, insurers are on notice of the data that they will likely be required to provide during a market conduct examination that includes a review of the carrier's administration of its mental health and substance abuse coverage benefits.

The Department believes that it is important to synchronize the data reporting that is required under SB230/SA1, the data reporting under MHPAEA's implementing regulations and the data reporting that will likely be required under a Market Conduct Examination. Accordingly, the Department is proposing to satisfy the SB230/SA1 requirement for regulations by codifying the NAIC model state market conduct compliance tools for MHPAEA as new 18 **DE Admin. Code** 1410, entitled "Reporting Medical Management Protocols for Insurance Coverage for Serious Mental Illness and Drug and Alcohol Dependency."

The proposed new regulation appears below and may also be viewed at the Department's website at <http://insurance.delaware.gov/information/proposedregs/>. The Department does not intend to hold a public meeting regarding these proposed new regulations.

Any person may file written comments, suggestions, briefs, and compilations of data or other materials concerning the proposed new regulation by email to [leslie.ledogar@delaware.gov](mailto:leslie.ledogar@delaware.gov) or by mailing to:

Delaware Department of Insurance  
Attn.: Leslie W. Ledogar, Esq., Regulatory Specialist  
Docket No. 4042-2019  
841 Silver Lake Boulevard  
Dover, DE 19904

Any written or emailed submission in response to this notice and relevant to the proposed new regulation must be received by the Department no later than 4:30 p.m. on the 1<sup>st</sup> day, May, 2019.

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**OFFICE OF THE COMMISSIONER**  
**PUBLIC NOTICE**

**1501 Medicare Supplement Insurance Minimum Standards**

Regulation 1501 sets forth the minimum standards for Medicare Supplement Insurance in Delaware. It implements Chapter 34 of Title 18, Medicare Supplement Insurance Minimum Standards.

States that wish to retain regulatory authority over Medicare Supplement products offered for sale in their state must implement any changes to federal laws impacting Medicare Supplement policies. Failure to implement the current laws could result in a state losing regulatory authority over these products; authority to regulate these products would revert back to the Federal Government.

The Insurance Code at 18 **Del.C.** §3403(e) provides in relevant part, "The Commissioner may adopt from time to time, such reasonable regulations as are necessary to conform Medicare supplement policies and certificates to the requirements of federal law and regulations promulgated thereunder . . ." Accordingly, the Department of Insurance has the statutory authority to adopt amendments to Regulation 1501 to comport with any changes to federal laws that impact Medicare Supplement policies.

The Department does not plan to hold a public hearing on the proposed amendments to Regulation 1501. The regulation with proposed amendments appears below and can also be viewed at the Department of Insurance website at <http://insurance.delaware.gov/information/proposedregs/>.

Any person may file written comments, suggestions, briefs, and compilations of data or other materials concerning the proposed amendments to the regulation. Any written submission in response to this notice and relevant to the proposed amendments must be received by the Department of Insurance no later than 4:30 p.m. EST, the 1<sup>st</sup> day, May, 2019. Any such requests should be directed to:

Leslie W. Ledogar, Regulatory Specialist  
Delaware Department of Insurance  
ATTN: Docket 4043-2019  
841 Silver Lake Blvd.  
Dover, 19904

(302) 674-7379

Email: [Leslie.Ledogar@delaware.gov](mailto:Leslie.Ledogar@delaware.gov)