

CALENDAR OF EVENTS/HEARING NOTICES

CALENDAR

December 2021

DELAWARE RIVER BASIN COMMISSION

PUBLIC NOTICE

The Delaware River Basin Commission held its quarterly public hearing on Wednesday, November 10, 2021. The hearing was held remotely. Please check the Commission's website, www.drbc.gov, for details regarding the draft docket decisions that were the subjects of the public hearing.

The Commission's quarterly business meeting will be held remotely on Wednesday, December 08, 2021, beginning at 10:30 a.m. Please check the Commission's website, www.drbc.gov, for details about the meeting format and how to attend.

For additional information, please visit the DRBC website at www.drbc.gov or contact Patricia Hausler at patricia.hausler@drbc.gov.

DELAWARE RIVER BASIN COMMISSION

Importations of Water Into and Exportations of Water From the Delaware River Basin; Discharges of Wastewater from High Volume Hydraulic Fracturing and Related Activities

PUBLIC NOTICE

SUMMARY: The Commission proposes to amend its Comprehensive Plan and Water Code concerning importations of water into and exportations of water from the Delaware River Basin; to amend its *Special Regulations - High Volume Hydraulic Fracturing* to prohibit the discharge of wastewater from high volume hydraulic fracturing and related activities to waters or land within the Delaware River Basin; and to incorporate key elements of the latter proposed amendments into the Commission's *Water Quality Regulations*.

DATES: *Written comments:* Written comments will be accepted through 5 p.m. on February 28, 2022.

Public hearings: Public hearings will be held remotely via Zoom on the following dates at the noted times. Details about accessing the hearings are available on the Commission's website, www.drbc.gov.

1. December 8, 2021, 2:30 p.m. to no later than 4:30 p.m.
2. December 8, 2021, 6:30 p.m. to no later than 8:30 p.m.
3. December 15, 2021, 1 p.m. to no later than 3 p.m.
4. December 15, 2021, 4 p.m. to no later than 6 p.m.

On October 28, 2021, a notice including these public hearing dates, times and locations was posted on the Commission's website and circulated directly to Commission notice subscribers interested in this subject matter. Members of the public may sign up through the Commission's website to receive direct notice via email of additions or changes to the information provided above.

ADDRESSES: *To submit written comments:* Written comments will be accepted until 5 p.m. on February 28, 2022 through the Commission's online public comment collection system at: <https://dockets.drbc.commentinput.com/?id=x2K8A>. To request an exception from use of the online system based on lack of access to the Internet, please contact: Commission Secretary, DRBC, P.O. Box 7360, West Trenton, NJ 08628.

To register to speak at public hearings: Although attendance at the hearings is not limited and requires no registration, those who wish to provide oral comment at a hearing must register in advance to do so. Registration will be through EventBrite. Links to EventBrite for each of the public hearing dates and times are posted at www.drbc.gov. Online registration will remain open until 5 p.m. on the day prior to the hearing date or until all available speaking slots have been filled, whichever is earlier. Each person who wishes to provide oral comment may do so at only one public hearing. Registrations will be monitored, and if capacity is not adequate to accommodate all who wish to speak, additional opportunities may be added.

FOR FURTHER INFORMATION CONTACT: For information regarding the public hearings and submission of written comments, contact Kate Schmidt, Communications Specialist, at kate.schmidt@drbc.gov (preferred) or 609-883-9500, ext. 205. For information concerning the proposed amendments, contact Pamela Bush, Commission Secretary and Assistant General Counsel, at pam.bush@drbc.gov (preferred) or 609-477-7203.

Public Process

Substance of comments: The Commission expressly seeks comment on the effects the proposed rules may have within the Basin on: water availability, the control and abatement of water pollution, economic development, the conservation and protection of drinking water supplies, the conservation and protection of aquatic life, the conservation and protection of water quality in Special Protection Waters, and the protection, maintenance and improvement of water quantity and quality Basinwide. The Commission welcomes and will consider any other comments that concern the potential effects of the draft rules on the conservation, utilization, development, management and control of the water and related resources of the Basin. Comments on matters not within the scope of the proposed rules may not be considered.

Non-digitized, voluminous materials such as books, journals or collected letters and petitions will not be accepted. Digital submissions of articles and websites must be accompanied by a statement containing citations to the specific findings or conclusions the commenter wishes to reference.

Submission of written comments. Written comments along with any attachments should be submitted through the Commission's web-based comment system (<https://dockets.drbc.commentinput.com/?id=x2K8A>) until 5 p.m. on February 28, 2022. All materials should be provided in searchable formats, preferably in .pdf searchable text. Notably, a picture scan of a document may not result in searchable text. Comments received through any method other than the designated on-line method, including *via* email, fax, postal/delivery services or hand delivery, will not be considered or included in the rulemaking record unless an express exception has been granted. Requests for exceptions from the web-based-submissions-only policy based on lack of access to the web-based comment system may be addressed to: Commission Secretary, DRBC, P.O. Box 7360, West Trenton, NJ 08628.

Public hearings. To provide for an orderly process and to support public and community health measures, the Commission is conducting its public hearings virtually. Attendance at the hearings is not limited and requires no registration. However, to eliminate uncertainty on the part of attendees about whether they will have an opportunity to provide oral comment, those who wish to speak at a hearing must register in advance to do so, using links on the Commission's website. Registrations will be monitored, and if capacity is not adequate to accommodate all who wish to speak, additional opportunities may be added. Key elements of the procedure are as follows:

- Online registration to speak at a public hearing will remain open until 5 p.m. the day prior to each hearing.
- Each person who wishes to provide oral comment may do so at only one public hearing.
- Speaking time will be limited to approximately three minutes per speaker.
- Elected government officials and their staff will have the opportunity to identify themselves when registering to attend a hearing.
- Attendance at the public hearings is not limited and requires no advance registration.
- Written and oral comment will receive equal consideration.

The Commission appreciates the public's participation and input on this important matter.

More Information. Detailed and up-to-date information about the public process, including all proposed rule text, related documents and links for online registration to speak at each of the scheduled public hearings, can be found on the DRBC website, www.drbc.gov.

DELAWARE STATE FIRE PREVENTION COMMISSION

710 Ambulance Service Regulations

PUBLIC NOTICE

The Delaware State Fire Prevention Commission, pursuant to 16 *Del. C.* § 6604(1), proposes to revise regulation 710, subsection 7.2.1.3., by requiring that newly purchased ambulances, as well as newly purchased, fabricated, or remounted ambulance compartments conform to the criteria set forth in National Fire Prevention Association 1917 Standard for Automotive Ambulances (2019). The proposed revision also clarifies that all components, not just the ambulance compartment, must conform to this criteria. Finally, the proposed revision eliminates the deadline in the existing regulation since that date has passed.

The Board will accept written comments, which should be sent to Sherry Lambertson, Executive Specialist for the Delaware Fire Prevention Commission, Delaware Fire Service Center, 1463 Chestnut Grove Road, Dover, DE 19904. Written comments may also be sent by email to the following email address: fire.commission@delaware.gov. Comments will be accepted through Monday, January 3, 2022.

The proposed additions to the rule are reflected in underline. Deletions are reflected in strike through.

DEPARTMENT OF EDUCATION

PUBLIC NOTICE

The State Board of Education meets monthly. These meetings are open to the public. The Board rotates locations of regular meetings among the three counties.

Meeting information can be accessed via the public meeting calendar.

Meeting materials available on the State Board of Education's eBoard site (https://simbli.eboardsolutions.com/SB_Meetings/SB_MeetingListing.aspx?S=190001). (If you are having technical difficulties accessing the site, please try a different browser.)

The next meeting is scheduled for December 16, 2021.

Information regarding special meetings or Committee meetings of the State Board will be posted on the public meeting calendar.

Minutes from recent State Board of Education meetings can be found on the public meeting calendar.

Audio recordings are available after every Board meeting (<https://www.doe.k12.de.us/domain/225>).

Public meeting calendar: <https://publicmeetings.delaware.gov/#/search?anyall=any&agencyid=22&startdateinclusive=2019-01-01>

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

Division of Health Care Quality

PUBLIC NOTICE

3201 Skilled and Intermediate Care Nursing Facilities

3210 Nursing Homes Admitting Pediatric Residents

3225 Assisted Living Facilities

3301 Group Home Facilities for Persons with AIDS

3305 Group Homes for Persons with Mental Illness

3310 Neighborhood Homes for Individuals with Intellectual and/or Developmental Disabilities

3315 Family Care Homes

3320 Intensive Behavioral Support and Educational Residence

3330 Regulations Governing Dialysis Centers

3335 Office-Based Surgery

3340 Free Standing Emergency Departments

3345 Personal Assistance Services Agencies

3350 Skilled Home Health Agencies (Licensure)

3351 Home Health Agencies--Aide Only (Licensure)

4402 Regulations for Adult Day Care Facilities

4403 Free Standing Birthing Centers

4407 Hospital Standards (Construction, Maintenance, and Operation)

4409 Prescribed Pediatric Extended Care Centers (PPECC)

4468 Delivery of Hospice Services

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 16 of the Delaware Code, Chapter 11, Section 1119C, Delaware Health and Social Services (DHSS) / Division of Health Care Quality (DHCQ) is proposing regulations as noted below.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed regulatory amendments must submit same by email to Corinna.Getchell@Delaware.gov or by fax to 302-292-3931 by 4:30 p.m. on January 3, 2022.

Please identify the relevant regulation in the subject line:

- Regulations Governing Skilled and intermediate Care Nursing Facilities.
- Regulations Governing Nursing Homes Admitting Pediatric Residents.
- Regulations Governing Assisted Living Facilities.
- Regulations Governing Group Home Facilities for Persons with AIDS.
- Regulations Governing Group Homes for Persons with Mental Illness.

- Regulations Governing Neighborhood Homes for Individuals with Intellectual and/or Developmental Disabilities.
- Regulations Governing Family Care Homes.
- Regulations Governing Intensive Behavioral Support and Educational Residence.
- Regulations Governing Dialysis Centers.
- Regulations Governing Office-Based Surgery.
- Regulations Governing Free Standing Emergency Departments.Regulations Governing Personal Assistance Services Agencies.
- Regulations Governing Skilled Home Health Agencies (Licensure).
- Regulations Governing Home Health Agencies--Aide Only (Licensure).
- Regulations Governing Adult Day Care Facilities.
- Regulations Governing Free Standing Birthing Centers.
- Regulations Governing Hospital Standards (Construction, Maintenance, and Operation).
- Regulations Governing Prescribed Pediatric Extended Care Centers (PPECC).
- Regulations Governing Delivery of Hospice Services.

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

Division of Medicaid and Medical Assistance
PUBLIC NOTICE
Guardianship Fees - Post-Eligibility Protection of Income

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 Social Services (DHSS/DSS) is proposing to amend Title XIX Medicaid State Plan and the Division of Social Services Manual (DSSM) to allow Medicaid recipients institutionalized in long-term care facilities to retain an allowance of income to pay for guardianship costs.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs, or other written materials concerning the proposed new regulations must submit same to, Planning 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 Nicole.M.Cunningham@delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on December 31, 2021. Please identify in the subject line: Guardianship Fees - Post-Eligibility Protection of Income.

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

Division of Medicaid and Medical Assistance
PUBLIC NOTICE
Chiropractors' Services

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 Social Services (DHSS/DSS) is proposing to amend Title XIX Medicaid State Plan regarding chiropractors' services, specifically, to allow coverage guidelines for treatment more consistent with the licensure scope of practice for chiropractors.

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 Nicole.M.Cunningham@delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on December 31, 2021. Please identify in the subject line: Chiropractors' Services.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the

results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

Division of Public Health

PUBLIC NOTICE

4202 Control of Communicable and Other Disease Conditions

Pursuant to 16 **Del. C.** §122(3)(a) and §504, Division of Public Health, Department of Health and Social Services, is proposing revisions to the regulations governing Control of Communicable and Other Disease Conditions. On December 1, 2021, the Division of Public Health plans to publish as "proposed" revisions to the Control of Communicable and Other Disease Conditions regulations. These revisions include previously proposed requirements for school staff to provide evidence of COVID-19 vaccination or undergo regular COVID-19 testing, as well as a severability clause. The proposed regulation published in the November 2021 *Register of Regulations* (25 DE Reg. 471 (11/01/21)) is no longer being considered in favor of the amendments presented here.

Copies of the proposed regulations are available for review in the December 1, 2021 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 by Monday, January 3, 2022, at:

Division of Public Health
417 Federal Street
Dover, DE 19901
Email: DHSS_DPH_regulations@delaware.gov
Phone: (302) 744-4951

DEPARTMENT OF LABOR

Division of Industrial Affairs

Industrial Accident Board

PUBLIC NOTICE

1331 Industrial Accident Board Regulations

The Industrial Accident Board ("IAB") hereby gives notice of its intention to adopt amended regulations pursuant to 19 **Del.C.** §2301A(i). This proposal changes two sections of the IAB Rules, which have not been updated since 2011.

A virtual public meeting will be held on Wednesday December 22, 2021 at 3:00 p.m for members of the public to offer comments. The virtual hearing will occur over the Zoom platform. Members of the public can use the following credentials to log in: Meeting ID: 810 9757 9769, Passcode: 458064, or with the following link: <https://us06web.zoom.us/j/81097579769?pwd=ejBleWU0aTA5OWptMEIBQU5YS2tLUT09.A> A copy of the proposed regulation can be provided at no charge, by United States Mail, by writing or calling Allison Stein (Department of Labor, Administrator of the Office of Workers' Compensation, Delaware Department of Labor, 4425 North Market Street, Wilmington Delaware 19802, telephone number 302-761-8215). In addition to the public meeting, the IAB will consider, timely filed written comments from interested individuals and groups concerning these proposed amended regulations. Members of the public may present written comments on the proposed regulation by submitting such written comments to Allison Stein at the address of the Delaware Department of Labor as set forth above or comments can be sent via email to DOL_DIA_WorkComp@delaware.gov. Written comments must be received on or before January 6, 2022.

DEPARTMENT OF STATE

Division of Professional Regulation

Board of Pharmacy

PUBLIC NOTICE

Pursuant to 24 **Del.C.** §2506(a)(1), the Delaware Board of Pharmacy (“Board”) has proposed revisions to its Rules and Regulations. The proposed amendments authorize certified pharmacy technicians to administer adult immunizations but only where the training, administration and documentation requirements set forth in subsection 19.2.3 have been met.

A public hearing will be held on January 19, 2022 at 9:00 a.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Pharmacy, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address or at sarah.siok@delaware.gov.

In accordance with 29 **Del.C.** §10118(a), the final date to receive written comments will be **February 3, 2022**. The Board will deliberate on all of the public comments at its regularly scheduled meeting.

DIVISION OF PROFESSIONAL REGULATION BOARD OF EXAMINERS OF PSYCHOLOGISTS PUBLIC NOTICE

The Delaware Board of Examiners of Psychologists, pursuant to 24 Del. C. § 3506(a)(1), proposes to add a requirement that all licensees complete three continuing education credits in cultural inclusion, equity, and diversity. Psychologists will still be required to complete 40 CEs per renewal period, and psychological assistants will still be required to complete 20 CEs per renewal period, but of those totals, three must be in cultural inclusion, equity, and diversity.

The original amendments were published on page 1051 of the June 1, 2021 issue of the *Delaware Register of Regulations* (24 **DE Reg.** 1051 (06/01/21)). The Board planned to hold a virtual public hearing on July 26, 2021 at 9:00 a.m., but that meeting was cancelled. As a result, the Board will now hold a virtual hearing on the re-proposed rule change on January 3, 2022. Written comments should be sent to Nikki Pecora, Administrator of the Delaware Board of Examiners of Psychologists, Cannon Building, 861 Silver Lake Blvd, Suite 203, Dover, DE 19904. Written comments will be accepted until January 18, 2022.
