

# CALENDAR OF EVENTS/HEARING NOTICES

## CALENDAR

June 2024

### DELAWARE RIVER BASIN COMMISSION

#### PUBLIC NOTICE

The Commission's quarterly business meeting will be held on **Wednesday, June 5, 2024** commencing at **10:30 a.m.** at the Tusten Theatre, 210 Bridge Street, Narrowsburg, NY 12764. An agenda will be posted on the Commission's website, [www.drbc.gov](http://www.drbc.gov), at least ten (10) days prior to the meeting date.

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

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

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### DEPARTMENT OF EDUCATION

#### PUBLIC NOTICE

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

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

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

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### DEPARTMENT OF HEALTH AND SOCIAL SERVICES

#### DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

#### PUBLIC NOTICE

#### CHIP Vaccines

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del.C.** §512, Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend Title XXI CHIP State Plan Sections 1, 6 and 9, specifically, is to provide an attestation to the CMS assuring that DMMA covers all age-appropriate vaccines for children enrolled in CHIP.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs, or other written materials concerning the proposed new regulations must submit same to, Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to [DHSS\\_DMMA\\_Publiccomment@Delaware.gov](mailto:DHSS_DMMA_Publiccomment@Delaware.gov), or by fax to 302-255-4413 by 4:30 p.m. on July 1, 2024. Please identify in the subject line: CHIP Vaccines

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

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#### DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

#### PUBLIC NOTICE

## Imported Drugs

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del.C.** §512, Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend Title XIX Medicaid State Plan Attachment 3.1-A page 5, specifically, to allow the importation of FDA unapproved medications for drugs that are currently in shortage as determined by FDA/ASHP.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs, or other written materials concerning the proposed new regulations must submit same to, Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to [DHSS\\_DMMA\\_Publiccomment@Delaware.gov](mailto:DHSS_DMMA_Publiccomment@Delaware.gov), or by fax to 302-255-4413 by 4:30 p.m. on July 1, 2024. Please identify in the subject line: Imported Drugs

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

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### DIVISION OF PUBLIC HEALTH PUBLIC NOTICE 4465 Delaware Radiation Control Regulations

Pursuant to 16 **Del.C.** §7406, the Department of Health and Social Services, Division of Public Health has the legal authority to promulgate regulations. The Division of Public Health is proposing revisions to the Delaware Radiation Control Regulation and intends to hold it open for public comment per Delaware law. The revisions include:

- Adding definitions in Part A;
- Amending definitions in Part F; and
- Additional formatting and technical changes.

Copies of the proposed regulations are available for review in the June 1, 2024, issue of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Division of Public Health at (302) 744-4951.

Comments will be accepted until 4:30 p.m. on Monday, July 1, 2024, in written form via email to [DHSS\\_DPH\\_regulations@delaware.gov](mailto:DHSS_DPH_regulations@delaware.gov), or by U.S. mail to the following address:

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

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### DIVISION OF PUBLIC HEALTH PUBLIC NOTICE 4466 Radiation Technologists/Technicians (Certification)

Pursuant to 16 **Del.C.** §7406, the Department of Health and Social Services, Division of Public Health has the legal authority to promulgate regulations. The Division of Public Health is proposing revisions to the Radiation Technologists/Technicians (Certification) Regulation and intends to hold it open for public comment per Delaware law. The revisions include:

- Amending definitions;
- Amending legal titles;
- Amending certification fees; and
- Additional technical changes.

Copies of the proposed regulations are available for review in the June 1, 2024, issue of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Division of Public Health at (302) 744-4951.

Comments will be accepted until 4:30 p.m. on Monday, July 1, 2024, in written form via email to [DHSS\\_DPH\\_regulations@delaware.gov](mailto:DHSS_DPH_regulations@delaware.gov), or by U.S. mail to the following address:

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

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## DEPARTMENT OF LABOR

### DIVISION OF PAID LEAVE PUBLIC NOTICE

#### **1401 Rules Defining and Regulating the Healthy Delaware Families Act, Family and Medical Leave Insurance Program and the Division of Paid Leave**

In compliance with the State's Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of 19 **Del.C.** §105, the Delaware Department of Labor ("Department"), Division of Paid Leave ("Division") proposes to introduce amendments to its regulation that is intended to implement the Paid Family Medical Leave ("PFML") insurance program authorized by the Healthy Delaware Families Act of 2022 (the "Act"). The proposed amendments focus on the job retaliation and anti-discrimination provisions of the Act and outlines the way in which the Division will address erroneous payments. The proposed amendments also revise the regulation to align with the capabilities of Delaware LaborFirst, the Division's online administrative portal, and cleans-up some errors in the prior language, such as duplications and inadvertent conflicts between provisions.

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 regulations should direct them to the following address:

Christopher Counihan  
Division Director, Division of Paid Leave  
Delaware Department of Labor  
4425 North Market Street, 4th Floor  
Wilmington, DE 19802

Comments may also be directed via electronic mail to [PFML@Delaware.gov](mailto:PFML@Delaware.gov). Any written submission in response to this notice and relevant to the proposed regulations must be received by the above contact at the Delaware Department of Labor no later than 4:00 p.m. EST, on July 1, 2024. The action concerning determination of whether to adopt the proposed regulations will be based upon consideration of the written comments and any other written materials filed by the public.

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## DEPARTMENT OF STATE

### DIVISION OF PROFESSIONAL REGULATION PUBLIC NOTICE

**1900 Board of Nursing**

The Delaware Board of Nursing, pursuant to 24 **Del.C.** § 1904(c), proposes to revise its regulations to clarify when a nurse is eligible for a supervised practice plan, clarify the types of abortions APRNs may perform, and ensure that nurses advise the Board of changes to their email address.

The Board will hold a public hearing on the proposed regulation changes on July 10, 2024 at 9:00 a.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Dr. Pamela Zickafoose, Executive Director of the Delaware Board of Nursing, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until July 25, 2024 pursuant to 29 **Del.C.** § 10118(a).

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**DIVISION OF PROFESSIONAL REGULATION  
PUBLIC NOTICE  
2500 Board of Pharmacy**

Pursuant to 24 **Del.C.** §2506(a)(1), the Delaware Board of Pharmacy ("Board") has proposed revisions to its Rules and Regulations. First, the Board proposes to amend subsection 5.1.6, pertaining to compounding, to state that the definition of "compounding" does not include flavoring of conventionally manufactured medications provided that the flavors used are inert, tested, and do not alter a medication's concentration beyond USP's accepted level of variance. A new Section 21.0 is added in response to significant concerns in the State of Delaware concerning work conditions for pharmacists in the retail setting. The new Section 21.0 provides that the pharmacy permit holder will be responsible for ensuring a safe work environment, including proper staffing, equipment, and training, to ensure the health, safety, and welfare of patients. Pharmacists will be afforded appropriate breaks and not be subject to production quotas. Correspondingly, subsection 3.8, concerning pharmacy technician support, has been moved to the new Section 21.0. Finally, a new Section 22.0 has been added to set forth the parameters where a pharmacist may decline to fill a prescription bases on professional judgment. Accordingly, subsection 3.1.2.4, addressing the right to refuse to fill a prescription on religious, moral, or ethical grounds, has been revised.

A public hearing will be held on June 26, 2024 at 9:30 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 [christine.mast@delaware.gov](mailto:christine.mast@delaware.gov).

In accordance with 29 **Del.C.** §10118(a), the final date to receive written comments will be July 11, 2024. The Board will deliberate on all of the public comments at its regularly scheduled meeting.

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**DIVISION OF PROFESSIONAL REGULATION  
PUBLIC NOTICE  
2600 Examining Board of Physical Therapists and Athletic Trainers**

Pursuant to 24 **Del.C.** §2604(a)(1), the Delaware Examining Board of Physical Therapists and Athletic Trainers ("Board") has proposed revisions to its Rules and Regulations. The Board proposes to amend Section 11.0, pertaining to reactivation and reinstatement of licenses. The revisions specify the requirements that must be met after 12 months of inactive or expired status to ensure practitioner competence.

A public hearing will be held on July 23, 2024 at 4:30 p.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 Examining Board of Physical Therapists and Athletic Trainers, 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 [jessica.lobaccaro@delaware.gov](mailto:jessica.lobaccaro@delaware.gov).

In accordance with 29 **Del.C.** §10118(a), the final date to receive written comments will be **August 7, 2024**. The

Board will deliberate on all of the public comments at its regularly scheduled meeting.

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**DIVISION OF PROFESSIONAL REGULATION  
PUBLIC NOTICE  
2930 Council on Real Estate Appraisers**

Pursuant to 24 **Del.C.** §4006(a)(1), the Delaware Council on Real Estate Appraisers ("Council") has proposed revisions to its Rules and Regulations. The Council proposes these amendments to advance its primary objective, which is to protect the general public, specifically those persons who are the direct recipients of real estate appraisal services, regulated by 24 **Del.C.**, Ch. 40, and its secondary objectives to maintain minimum standards of practitioner competency and to maintain certain standards in the delivery of services to the public.

Amendments are proposed to Section 2.0 because, starting on January 1, 2026, the qualifying education requirements for licensure and certification will include mandatory hours of study on the topics of valuation bias and fair housing laws and regulations. Continuing education requirements will also change to incorporate mandatory study of these subject matters.

Amendments are proposed to Regulation subsections 2.1.3.4.2.3, 4.1.1, 4.1.7, and 4.1.8 to provide clarification of how and by whom appraisal reports should be signed, including the proper abbreviations to be used by certified and licensed appraisers when signing appraisal reports.

Amendments are proposed to Section 9.0. These propose to delete provisions regarding record-keeping which are superfluous because of the requirements of the Delaware Freedom of Information Act, 29 **Del.C.**, Chapter 100. The new Section 9.0 provides regulation regarding the registration, pursuant to 24 **Del.C.** §4022, of Appraisal Management Companies, which was previously not addressed within the Council's regulations.

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

The Council will hold a public hearing on July 16, 2024, at 9:30 a.m. in conference room A on the second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Council on Real Estate Appraisers, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Council at the above address or to [Tashana.Branch@delaware.gov](mailto:Tashana.Branch@delaware.gov).

In accordance with 29 **Del.C.** §10118(a), the final date to receive written comments will be July 31, 2024. The Council will deliberate on all the public comments at its regularly scheduled meeting thereafter.

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**DEPARTMENT OF TRANSPORTATION  
DIVISION OF TRANSPORTATION SOLUTIONS  
PUBLIC NOTICE  
1208 Electronic Traffic Monitoring for Vehicle Obstructions System**

Pursuant to the authority provided by 21 **Del.C.** §302(a) and 4137, the Delaware Department of Transportation (DelDOT) established an Electronic Traffic Monitoring for Vehicle Obstructions System (Block the Box) program at qualifying intersections across the State of Delaware.

The Department, through its Division of Transportation Solutions seeks to adopt this regulation to administer the Block the Box program, which is established in support of DelDOT's goals of minimizing congestion, allowing for the continued movement of all road users, and improved emergency vehicle movement at signalized intersections along roadways with a Principal Arterial or Other Arterial functional classification.

**Public Comment Period**

DelDOT will take written comments on the proposed Regulation 1208 of Title 2, Delaware Administrative Code, from June 1, 2024 through July 1, 2024. The public may submit their comments to:

Peter Haag, P.E.

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

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