

CALENDAR OF EVENTS/HEARING NOTICES

CALENDAR

May 2024

DELAWARE RIVER BASIN COMMISSION

PUBLIC NOTICE

The Delaware River Basin Commission will hold a public hearing on **Wednesday, May 8, 2024**, commencing at **1:30 p.m.** The public hearing will be conducted remotely. The draft docket decisions and draft resolutions 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, 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, 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 Patricia Hausler at patricia.hausler@drbc.gov.

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

DEPARTMENT OF EDUCATION

PUBLIC NOTICE

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

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

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

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

PUBLIC NOTICE

Continuous Eligibility and Removal of Premiums for CHIP

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) 15300.4, 18300, 18600, 18700, 18800.1, 18800.2, and Title XXI CHIP State Plan Sections 1, 4, 8 and 9, specifically, to provide 12 months of continuous eligibility for children under age 19 in CHIP (with limited exceptions) and to remove the premium requirement for the CHIP program.

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 May 31, 2024. Please identify in the subject line: Continuous Eligibility and Removal of Premiums for CHIP

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
Medicaid Workers with Disabilities (MWD) Premiums

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) 17800, 17908, 17911, 17912, 17913, Title XIX Medicaid State Plan Attachment 2.6-A pages n-o and Attachment 2.6-A Supplement 8A page 1 regarding Medicaid Workers with Disabilities Premiums, specifically, to remove the requirement of premiums for participation in the MWD Program.

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 May 31, 2024. Please identify in the subject line: Medicaid Workers with Disabilities Premiums

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
Third Party Liability

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 4.11-A - Attachment 7.7.C Supplement to Attachment 4.22, specifically, to comply with the Consolidated Appropriations Act of 2022 and Senate Bill 220 of the 152nd Delaware General Assembly.

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 May 31, 2024. Please identify in the subject line: Third Party Liability

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 SOCIAL SERVICES
PUBLIC NOTICE
Paying for Absent Days and Holidays in Child Care

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 the Division of Social Services Manual (DSSM) to amend paying for absent days and holidays in child care.

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, Division of Social Services (DSS), 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 May 31, 2024. Please identify in the subject line: Paying for Absent Days and Holidays in Child Care

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 SOCIAL SERVICES
PUBLIC NOTICE
Determining Child Care Copayments

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 the Division of Social Services Manual (DSSM) to amend determining child care copayments.

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, Division of Social Services (DSS), 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 May 31, 2024. Please identify in the subject line: Determining Child Care Copayments

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

DEPARTMENT OF INSURANCE
OFFICE OF THE COMMISSIONER
PUBLIC NOTICE
611 Automobile Insurance Premium Refunds

A. Type of Regulatory Action Required

Re-proposal of a new Regulation 611.

B. Synopsis of Subject Matter of the Regulation

In the January 1, 2024 edition of the *Register of Regulations*, at 27 **DE Reg.** 488 (01/01/2024), the Commissioner of the Delaware Department of Insurance (Commissioner) published a proposal to adopt new Regulation 611 to require insurers to refund any unearned automobile insurance premium on a cancelled policy within 30 days of the date when the refund becomes due.

The Department received comments from three commenters, which are on file with the Department. Multiple comments, which have been accepted by the Department, propose substantive changes that require the proposed regulation be republished for further public comment.

C. Summary of the Comments Received

The Department received timely comments from the American Property Casualty Insurance Association, National Association of Mutual Insurance Companies, and State Farm Mutual Automobile Insurance Company (collectively referred to as "the commenters"). All commenters recommended that the language in the regulation be updated to clearly reflect the type of policies to which the regulation applies and requested that the implementation date of the regulation be extended.

The Department declines to amend the proposed language, citing the applicability of 18 **Del.C.** § 3915 to all automobile policies. Further, the Department agrees to extend the implementation date to 90 days following the date of publication of the notice of adoption in the *Register of Regulations* to allow additional time for insurers to revise their internal processes to ensure compliance with the regulation.

Two commenters emphasized that subsection 3.2, as originally drafted, overlooks situations that could impede the insurer from refunding payments in the same manner they were received, such as Automated Clearing House (ACH) payments or instances where the original payment method is closed or otherwise unavailable. To address this concern, one commenter proposed a minor amendment to subsection 3.2, suggesting the inclusion of "by check if the method the premium was paid is not available."

The Department accepts the commenters' comments by revising subsection 3.2 as suggested above.

Additionally, two commenters noted that there should be an exception in the regulation for instances where premiums were financed.

The Department has determined to include language pertaining to financed premiums in subsection 3.1.

Furthermore, one commenter remarked that the regulation does not specify whether the contemplated cancellation would be insured-initiated, insurer-initiated, or both.

The Department agrees to specify in subsection 3.1 that the regulation pertains to insured-initiated policy cancellation refunds.

Lastly, one commenter requested explicit language be added to subsection 3.1 to exclude cancellation due to nonpayment of premiums.

The Department has chosen not to include language regarding cancellations due to non-payment of premiums, deeming it unnecessary.

In response to the comments received, the Department is re-proposing the regulation with revisions that address the commenters' concerns as discussed above.

D. Notice and Public Comment

The Department does not plan to hold a public hearing on re-proposed Regulation 611. The re-proposed regulation appears below and may 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 re-proposed regulation. Any written submission in response to this notice and relevant to the proposed regulation must be received by the Department of Insurance no later than 4:30 p.m. EST, the 31st day of May 2024. Any such requests should be directed to:

Alisa Pritchard, Regulatory Specialist
Delaware Department of Insurance
1351 West North St., Ste. 101
Dover, DE 19904
(302) 674-7379
Email: DOI-Legal@delaware.gov

DEPARTMENT OF LABOR
DIVISION OF INDUSTRIAL AFFAIRS
Office of Workers' Compensation
PUBLIC NOTICE
1342 Health Care Practice Guidelines

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, Office of Workers' Compensation ("Office"), proposes to repeal 19 **DE Admin. Code** 1342 regarding Health Care Practice Guidelines, specifically Parts A through G.

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:

Tammy Boyd
Delaware Department of Labor

Division of Industrial Affairs / Office of Workers' Compensation
4425 North Market Street, 3rd Floor
Wilmington, DE 19802

Comments may also be directed via electronic mail to tammy.boyd@Delaware.gov. Any written submission in response to this notice and relevant to the proposed changes must be received by the above contact at the Delaware Department of Labor no later than 4 p.m. EST, June 3, 2024.

The action concerning determination of whether to delete the regulation and guidelines from the Delaware Administrative Code will be based upon the Office's consideration of the written comments and any other written materials filed by the public.

Statutory Authority 19 Del.C. §105.

19 Del.C. §105 enables the Delaware Department of Labor to adopt and promulgate rules and regulations not inconsistent with Title 19 of the Delaware Code; provided, that no such rule or regulation shall extend, modify or conflict with any law of the State of Delaware or the reasonable implications thereof.

DEPARTMENT OF SAFETY AND HOMELAND SECURITY
OFFICE OF THE MARIJUANA COMMISSIONER
PUBLIC NOTICE
5001 Rules of the Office of the Marijuana Commissioner

Summary

In compliance with Delaware's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 4 of the Delaware Code, Chapter 13, Section 1331, the Office of the Marijuana Commissioner proposes to adopt regulations. This regulation establishes the standards for issuing marijuana establishment licenses, social equity businesses, and a retail sales tax. They also include a system for inspection, tracking, packaging, and testing marijuana to ensure the marijuana products are safe.

Comments

Copies of the proposed regulations will be published in the May 1, 2024 edition of the Delaware Register of Regulations, accessible online at <http://regulations.delaware.gov>. Copies are also posted on the Office of the Marijuana Commissioner's website at <https://omc.delaware.gov>. Any person who wishes to make any written suggestions, compilations of data, briefs or other written materials concerning the proposed new regulations must submit same to Taylor Shannon, Delaware Office of the Marijuana Commissioner, Thomas Collins Building, 3rd Floor, Suite 1-A, 540 S Dupont Hwy, Dover, DE 19901 or by email to OMC@delaware.gov. All submissions from the public will be posted on the Office of the Marijuana Commissioner's website at <https://omc.delaware.gov>.

Pursuant to 29 Del.C. §10118(a), the final date to receive written comments is June 3, 2024.

Adoption of Proposed Regulation

On or after June 4, following review of the public comment, the Office of the Marijuana Commissioner will determine whether to adopt the proposed rules as originally published or make additional changes because of the public comments received.

Effective Date of Amendments to Regulations

If adopted by the Office of the Marijuana Commissioner, the amendments shall take effect 10 days after being published as final in the Delaware Register of Regulations.

Robert Coupe, Marijuana Commissioner
