

# CALENDAR OF EVENTS/HEARING NOTICES

## CALENDAR

October 2022

### 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](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 October 20, 2022.

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 MEDICAID AND MEDICAL ASSISTANCE

#### PUBLIC NOTICE

#### Qualifying Clinical Trials

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 regarding Qualifying Clinical Trials.

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 [Melissa.Dohring@delaware.gov](mailto:Melissa.Dohring@delaware.gov), or by fax to 302-255-4413 by 4:30 p.m. on October 31, 2022. Please identify in the subject line: Qualifying Clinical Trials.

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

#### State Plan Telemedicine 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 Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend Delaware Title XIX Medicaid State Plan regarding telemedicine, specifically, to sunset the telemedicine pages of the Medicaid 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 [Melissa.Dohring@delaware.gov](mailto:Melissa.Dohring@delaware.gov), or by fax to 302-255-4413 by 4:30 p.m. on October 31, 2022. Please identify in the subject line: State Plan Telemedicine 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 MEDICAID AND MEDICAL ASSISTANCE**  
**PUBLIC NOTICE**  
**Transportation Services**

Title XIX Medicaid State Plan - Transportation 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 Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend Title XIX Medicaid State Plan regarding Transportation Services.

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 [Melissa.Dohring@delaware.gov](mailto:Melissa.Dohring@delaware.gov), or by fax to 302-255-4413 by 4:30 p.m. on October 31, 2022. Please identify in the subject line: Transportation 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.

---

**DEPARTMENT OF INSURANCE**  
**OFFICE OF THE COMMISSIONER**  
**PUBLIC NOTICE**  
**1404 Long-Term Care Insurance**

A. Type of Regulatory Action Required  
Proposal of amendments to Regulation 1404 Long-Term Care Insurance.

B. Synopsis of Subject Matter of Regulation  
Regulation 1404 implements 18 **Del.C.** Ch. 71 by setting forth regulations that apply to long term care insurance coverage in Delaware. The purpose of the proposed amendments is to move subsections 8.2.5.1.4 through 8.2.5.1.6 to new subsections 8.5.1 through 8.5.3 and add some additional language related to policyholder access to information. These amendments will make certain disclosures currently required upon application or delivery of a policy required only upon a premium rate schedule increase.

The Department is also adding an effective date for these proposed amendments at Section 33.0.

C. Notice and Public Comment

The proposed regulation appears below and may also be viewed on the Department of Insurance Website at <http://insurance.delaware.gov/information/proposedregs/>. The Department will not be holding a public hearing on the proposed regulation.

Any person may file written comments, suggestions, briefs, and compilations of data or other materials concerning the 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. EDT, the 31st day of October, 2022 and should be directed to:

Alisa Pritchard, Regulatory Specialist  
Delaware Department of Insurance  
1351 West North Street, Suite 101  
Dover, DE 19904  
(302) 674-7379  
Email: [DOI\\_Legal@delaware.gov](mailto:DOI_Legal@delaware.gov)

---

**OFFICE OF THE COMMISSIONER**  
**PUBLIC NOTICE**  
**1411 Registration of Pharmacy Benefits Managers**

A. Type of Regulatory Action Required

Proposal of amendments to an existing regulation.

B. Synopsis of Subject Matter of the Regulation

Regulation 1411, entitled Registration of Pharmacy Benefits Managers, requires all pharmacy benefits managers (PBMs) to:

- Register with the Commissioner before providing pharmacy benefits management services in Delaware to a "purchaser" (a "purchaser" is defined as a person that: (1) provides prescription drug coverage or benefits in Delaware, and (2) enters into agreement with a pharmacy benefits manager for the provision of pharmacy benefits management services); and
- Annually renew their registration on the May 1 after the initial date of registration and every May 1 thereafter.

On October 26, 2021, the Delaware Legislature enacted House Bill 219 (151st General Assembly) (the Act). The Act includes additional requirements on PBMs that apply to "contracts between pharmacy benefit managers and pharmacies or pharmacists that are entered into, renewed, or extended on or after the effective date of this Act" (see Section 15 of the Act). The purpose of the amendments to Regulation 1411 proposed in this notice is to implement the Act.

C. Notice and Public Comment

The Department does not plan to hold a public hearing on proposed amendments to Regulation 1411. The proposed amendments appear below and may also be viewed at the Department of Insurance web-site 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 31st day, October 2022. Any such requests should be directed to:

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

---

**DEPARTMENT OF SAFETY AND HOMELAND SECURITY**  
**DIVISION OF STATE POLICE**

**PUBLIC NOTICE**  
**1301 Nonconsensual Towing**

The Delaware Department of Safety and Homeland Security (DSHS), in compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 21 of the Delaware Code, Chapter 69, Section 6901(c), proposed to amend its regulations on Nonconsensual Towing to promote public safety for nonconsensual towing initiated by the Delaware State Police. The proposed amendments sought to revise DSHS's existing Regulation 1301. The proposed amendments were published in the Register Regulations and provided for a public comment period through August 5, 2022. 26 **DE Reg.** 42 (07/01/22).

DSHS received and considered public comments of three parties. After considering the comments, DSHS wishes to further amend the regulations pertaining to Nonconsensual Towing and to re-open a public comment period. These further amendments revise subsection 4.5 regarding renewal dates and subsection 4.7 to clarify weekday and weekend hours.

DSHS will allow for the submission of written comments, suggestions, or other materials regarding the proposed regulations via e-mail to [Mark.Windsor@delaware.gov](mailto:Mark.Windsor@delaware.gov) or via the USPS to Captain Mark D. Windsor #158, Delaware State Police, Director of Traffic Operations, P.O. Box 430, Dover, DE 19901. Any written submission in response to this notice and the relevant proposed regulations must be received by the DSHS no later than 4:30 p.m. (EST) on November 4, 2022.

A copy of this regulation may be viewed online at the Registrar of Regulation's website, [http://regulations.delaware.gov/services/current\\_issue.shtml](http://regulations.delaware.gov/services/current_issue.shtml).

---

**DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH & THEIR FAMILIES**  
**DIVISION OF PREVENTION AND BEHAVIORAL HEALTH SERVICES**

**PUBLIC NOTICE**  
**701 Qualifications for Juvenile Mental Health Screeners**

**Summary of Proposal**

The purpose of this action is to amend Regulation 701 to allow additional professionals to be eligible to become credentialed juvenile mental health screeners. Title 16, Chapter 50 of the Delaware Code states that only Juvenile Mental Health Screeners, credentialed by the Department of Services for Children, Youth & Their Families (DSCYF), may authorize an emergency detention of an individual under the age of 18, pending a psychiatric evaluation.

This regulation is being amended to expand the definition of "eligible entity" to include Delaware licensed medical hospitals and to allow unlicensed mental health professionals, who are employed by the Division of Prevention and Behavioral Health's contracted Mobile Response and Stabilization Service (MRSS), to become credentialed juvenile mental health screeners and authorize detentions under the direct supervision of a psychiatrist. The amendment also makes other minor changes and technical updates.

**Statutory Authority**

16 *Del. C.* § 5001(11)

**Written Comments**

A copy of the proposed amendment is being published in the October 1, 2022 edition of the Delaware Register of Regulations. A copy is also on file in the DSCYF administrative building located at 1825 Faulkland Road, Wilmington, Delaware 19805.

Interested parties may offer written comments on the proposed amendment by October 31, 2022. Any person who wishes to make written comments or suggestions concerning the proposal must submit them to Meredith Seitz by email to [Meredith.Seitz@delaware.gov](mailto:Meredith.Seitz@delaware.gov), or by mail to the address listed above.

---

**DEPARTMENT OF STATE**  
**DIVISION OF PROFESSIONAL REGULATION**  
**2500 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 provide that all continuing professional education programs must be approved by the Accreditation Council for Pharmacy Education (ACPE). Language has been added to subsection 5.1.6 to permit a pharmacist to use the assistance of a pharmacy technician for compounding where the pharmacy technician has completed a Board-approved program for sterile compounding. Finally, a new subsection 5.1.7.3 has been added to set forth requirements for compounded preparations for animal use, provided by an FDA-registered, Delaware-licensed outsourcing facility, with or without a patient specific prescription.

A public hearing will be held on November 16, 2022 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 [sarah.siok@delaware.gov](mailto:sarah.siok@delaware.gov).

In accordance with 29 **Del.C.** §10118(a), the final date to receive written comments will be December 1, 2022. The Board will deliberate on all of the public comments at its regularly scheduled meeting.

---

**PUBLIC SERVICE COMMISSION**  
**PUBLIC NOTICE**

**1001 Rules of Practice and Procedure of the Delaware Public Service Commission**

The Delaware Public Service Commission proposes to revisit the *Rules of Practice and Procedure of the Delaware Public Service Commission*, 26 *Del. Admin. C.* § 1001 et seq. ("Rules") for the purpose of clarification and procedural adjustment.

You can review the proposed revised Rules in the October 2022 issue of the *Delaware Register of Regulations*. You can also review the Order and the proposed revised Rules in the PSC's electronic filing system, Delafile, located at <http://delafile.delaware.gov/> (for docket #, input "Reg. 99-9"). If you wish to obtain written copies of the Order and proposed revised Rules, please contact the PSC at (302)736-7500. Copies in excess of the first twenty (20) pages are \$0.10 per page. Payment is expected prior to copying (if you wish the copies to be mailed) or at the time the copies are retrieved (if you retrieve them in person).

The Commission will conduct a public hearing on the revised Rules on Wednesday, November 2, 2022, beginning at 1:00 PM, in accordance with 26 *Del. C.* § 209(a). All persons who wish to be heard by the Commission may attend in person or by teleconference. Dial-in information will be provided on the agenda for November 2, 2022 meeting, which can be found on the PSC website at [www.depsc.delaware.gov](http://www.depsc.delaware.gov). Interested parties may file written comments, suggestions, briefs, compilations of data, or other materials concerning the revised Rules.

Written comments can be filed electronically in Delafile at <http://delafile.delaware.gov/> by filling out the "Public Comment Form" located under "Public Links". Written comments can also be mailed to: Donna Nickerson, Public Service Commission, Cannon Building, 861 Silver Lake Blvd., Suite 100, Dover, DE 19904, or via email to [donna.nickerson@delaware.gov](mailto:donna.nickerson@delaware.gov), with the subject line "Regulation Docket No. 99-9." Written comments will be accepted until November 18, 2022, pursuant to 29 *Del. C.* § 10118(a). **To be considered at the November 2, 2022 hearing, however, written comments must be submitted on or before October 14, 2022.**

---