

# CALENDAR OF EVENTS/HEARING NOTICES

## CALENDAR

October 2024

### DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

PUBLIC NOTICE

601 Delaware Pesticide Rules and Regulations

#### Summary

The Delaware Department of Agriculture proposes to amend its Regulations adopted in accordance with Title 3, Chapter 12 of the Delaware Code. The purpose of the proposed regulation is to bring this regulation into compliance with the updated Federal Certification and Training Rule. The recommended change to subsection 7.7.7 deletes the Miscellaneous Pest Control (7G) category. The recommended changes to subsection 8.5.2.4 deletes Miscellaneous Pest Control (7G) and adds Aerial Pest Control (11). Other regulations issued by the Delaware Department of Agriculture are not affected by this proposal. The Delaware Department of Agriculture is issuing this proposed regulation in accordance with Title 3 of the Delaware Code. This notice is issued pursuant to the requirements of Chapter 101 of Title 29 of the Delaware Code.

#### Comments

A copy of the proposed regulation is being published in the October 1, 2024 edition of the *Delaware Register of Regulations*. A copy is also on file in the office of the Delaware Department of Agriculture, 2320 South Dupont Highway Dover, Delaware 19901 and is available for inspection during regular office hours. Copies are also published online at the *Register of Regulations* website: [https://regulations.delaware.gov/register/current\\_issue.shtml](https://regulations.delaware.gov/register/current_issue.shtml).

Interested parties may offer written comments on the proposed regulations or submit written suggestions, data, briefs or other materials to the Delaware Department of Agriculture at the above address as to whether this proposed regulation should be adopted, rejected or modified. Pursuant to 29 **Del.C.** §10118(a), public comments must be received on or before November 1, 2024. Written materials submitted will be available for inspection at the above address.

## 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

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 XIX Medicaid State Plan General Program Administration and Table of Contents page 66b, Attachment 3.1-A page 6 Addendum 1, Attachment 4.19-B Intro page 5, Attachment 4.19-B Intro page 6, and Attachment 4.19-B Intro page 7.3, specifically, to modify the reimbursement methodology for vaccines and vaccine administration.

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 October 31, 2024. Please identify in the subject line: 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.

**Division of Public Health**  
**PUBLIC NOTICE**  
**4103 Inherited Metabolic Disorders**

Pursuant to 16 **Del.C.** §122(1), §122(3)h & §203(a)(1), the Department of Health and Social Services, Division of Public Health is proposing to repeal Regulation 4103 Inherited Metabolic Disorders and intends to hold the regulation open for public comment per Delaware law. The repeal is necessary because the Division of Public Health no longer has designated funding for formula and cannot guarantee formula availability.

Copies of the proposed regulation are available for review in the October 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.

Public comments will be accepted until 4:30 PM on November 1, 2024. Comments will be accepted 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

**Division of Public Health**  
**PUBLIC NOTICE**  
**4470 State of Delaware Medical Marijuana Code**

Pursuant to 16 **Del.C.** Ch. 49A and House Bill 285 (84 Del. Laws, c. 264) 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 State of Delaware Marijuana Code and intends to hold them open for public comment per Delaware law. The revisions include:

- Allowing health-care providers to make the determination of whether a patient has a diagnosed medical condition for which the patient would receive therapeutic or palliative benefit from the use of medical marijuana;
- Allowing patients aged 65 and older to self-certify their qualification for a Medical Marijuana Registry Identification Card without a written certification from a health-care provider;
- Authorizing the Department of Health and Social Services to issue Medical Marijuana Registry Identification Cards with 1-, 2-, or 3-year expiration dates;
- Addresses reciprocity of equivalent registry identification cards from another state or territory of the U.S.; and

- Requires the issuance of a Registry Identification Card with an indefinite expiration date where the qualifying patient has a terminal illness.
- Moving a portion of subsection 3.4 to between subsections 3.1.7 and proposed subsection ~~3.23.3~~.
- Technical corrections.

Copies of the proposed regulations are available for review in the October 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.

Public comments will be accepted until 4:30 PM on November 1, 2024. Comments will be accepted 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

**DEPARTMENT OF JUSTICE**  
**FRAUD AND CONSUMER PROTECTION DIVISION**  
**PUBLIC NOTICE**

**104 Privacy Policies for Commercial Online Sites, Services, and Applications**

Public Notice

In compliance with the State's Administrative Procedures Act (APA -Title 29, Chapter 101 of the Delaware Code) and 29 Del.C. § 2521, the Consumer Protection Unit of the Delaware Department of Justice ("the Consumer Protection Unit") hereby publishes notice of a proposed repeal of a regulation to the Online and Personal Privacy Protection Act (6 Del.C. § 1201C et seq.) pursuant to 6 Del.C. § 1203C and 29 Del.C. § 2521.

Summary of Proposed Repeal

Regulation 104 Privacy Policies for Commercial Online Sites, Services, and Applications was adopted on July 1, 2016 (the "Regulation") shortly after the adoption of the Online and Personal Privacy Protection Act (6 Del.C. § 1201C et seq.) (the "Online Act"). The Online Act mandated certain online businesses post a privacy policy with specified information. The purpose of the Regulation was to provide operators of commercial Internet websites, online or cloud computing services, online applications, or mobile applications with optional "safe harbor" language that they may, but are not required to, use in their privacy policies that the Consumer Protection Unit would comply with the disclosure requirements of 6 Del.C. §1205C(b) at that time. The Delaware Personal Data Privacy Act was adopted in 2023 (6 Del.C. § 12D-101 et seq.) (the "DPDPA") and requires certain business include "reasonably accessible, clear, and meaningful privacy notice" with additional information compared to the Online Act. The "safe harbor" language in the Regulation may not satisfy the DPDPA requirements in certain circumstances and risks causing confusion for businesses about their privacy notice obligations. Accordingly, the Consumer Protection Unit has determined that the "safe harbor" language in the Regulation is no longer appropriate under the Online Act or the DPDPA and has proposed repealing the Regulation.

Possible Terms of the Action Agency

None.

Other Regulations That May be Affected by the Proposal

The Consumer Protection Unit does not believe that other regulations will be impacted.

Notice of Public Comment

Persons wishing to comment on the proposed regulation may submit their comments in writing no later than November 1, 2024, by email to [John.Eakins@Delaware.gov](mailto:John.Eakins@Delaware.gov) or by U.S. mail to the following address:

John Eakins  
Department of Justice, Consumer Protection Unit  
820 N. French St.  
Wilmington, DE 19801

**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 confirm that certified nurse midwives may perform out of hospital births, including home births. The proposed changes seek to clarify the return to practice requirements for APRNs who have been out of active clinical practice more than 5 years and increase the mini-mum number of supervised clinical hours APRN programs must include in their curricula.

The Board will hold a public hearing on the proposed regulation changes on November 13, 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 December 2, 2024 pursuant to 29 **Del.C.** §10118(a).

**DIVISION OF PROFESSIONAL REGULATION**  
**PUBLIC NOTICE**  
**3700 Board of Examiners of Speech/Language Pathologists, Audiologists & Hearing Aid Dispensers**

The Delaware Board of Speech/Language Pathologists, Audiologists and Hearing Aid Dispensers ("Board"), pursuant to 24 **Del.C.** §3706(a)(1), proposes to amend its rules and regulations. The revisions include clarification of the licensure requirements for the professions regulated by the Board. Specifically, training requirements for hearing aid dispensers are amended to add successful completion of the International Hearing Society's curriculum "Distance Learning for Professionals in Hearing Health Sciences." Proposed amendments also eliminate the cap on the number of times that a hearing aid dispenser applicant may take the licensure examination. Sections pertaining to audiology and speech/language pathology aides are stricken because the Board does not license these professions. In addition, continuing education requirements are amended to add two hours in ethics.

The Board will hold a public hearing on the proposed regulation changes on November 19, 2024, at 2:00 p.m., virtually and in the Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Jessica Lobaccaro, Administrative Specialist for the Delaware Board of Speech/Language Pathologists, Audiologists and Hearing Aid Dispensers, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904 or at [jessica.lobaccaro@delaware.gov](mailto:jessica.lobaccaro@delaware.gov). Written comments will be accepted until December 4, 2024 pursuant to 29 **Del.C.** §10118(a).

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