

CALENDAR OF EVENTS/HEARING NOTICES

CALENDAR

September 2021

DELAWARE HEALTH INFORMATION NETWORK

PUBLIC NOTICE

101 Delaware Health Information Network Regulations

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 103, Section 10306 and Senate Bill No. 88 of the 151st General Assembly (2021), the Delaware Health Information Network (DHIN) is proposing an amendment to its existing regulations governing participation in and use of clinical data held by DHIN.

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 to, the Scott Perkins, General Counsel, Delaware Health Information Network, 107 Wolf Creek Blvd., Suite 2, Dover, Delaware 19901 or by email to Scott.Perkins@dhin.org by 4:30 p.m. on October 29, 2021. Please identify in the subject line: DHIN Regulations on Participation and Use of Data.

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

DELAWARE HEALTH INFORMATION NETWORK

PUBLIC NOTICE

102 Delaware Health Information Network Regulations on Participation

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 103, Section 10306 and Senate Bill No. 88 of the 151st General Assembly (2021), the Delaware Health Information Network (DHIN) is proposing an amendment to its regulations governing access and use of clinical data for approved analytic purposes.

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 to, the Scott Perkins, General Counsel, Delaware Health Information Network, 107 Wolf Creek Blvd., Suite 2, Dover, Delaware 19901 or by email to Scott.Perkins@dhin.org by 4:30 p.m. on October 29, 2021. Please identify in the subject line: DHIN Regulations on Use of Clinical Data for Approved Analytic Purposes.

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

DELAWARE HEALTH INFORMATION NETWORK

PUBLIC NOTICE

104 Delaware Health Care Claims Database Data Access Regulation

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 103, Sections 10306 and 10314(d), the Delaware Health Information Network (DHIN) is proposing an amendment to its regulations governing access and use of clinical data held in the Delaware Health Care Claims Database.

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 to, the Scott Perkins, General Counsel, Delaware Health Information Network, 107 Wolf Creek Blvd., Suite 2, Dover, Delaware 19901 or by email

to Scott.Perkins@dhin.org by 4:30 p.m. on October 29, 2021. Please identify in the subject line: DHIN Delaware Healthcare Claims Database Data Access Regulation.

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

DELAWARE RIVER BASIN COMMISSION

PUBLIC NOTICE

The Delaware River Basin Commission held its quarterly public hearing on **Wednesday, August 11, 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, September 9, 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.

DEPARTMENT OF AGRICULTURE

Thoroughbred Racing Commission

PUBLIC NOTICE

1001 Thoroughbred Racing Rules and Regulations

The Thoroughbred Racing Commission proposes to amend its Regulations adopted in accordance with 3 Del. C. §10103(c). The purpose of the proposed regulations is to amend Rule 13.12.3 to provide that a claim may be voided if a horse is vanned off the racetrack at the direction of the commission veterinarian; or is observed by the Commission Veterinarian to be lame or unsound while still on the racetrack and as such the Commission Veterinarian places that horse on the Vets list. Rule 15.14.4 is also being added to address consequences for a horse leaving the racetrack after entry but before racing. Other regulations issued by the Thoroughbred Racing Commission are not affected by this proposal. The Thoroughbred Racing Commission is issuing these proposed regulations 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.

A copy of the proposed regulations is being published in the September 1, 2021 edition of the *Delaware Register of Regulations*. A copy is also on file in the office of the Thoroughbred Racing Commission, 777 Delaware Park Boulevard, Wilmington, Delaware 19804 and is available for inspection during regular office hours. Copies are also published online at the *Register of Regulations* website: http://regulations.delaware.gov/services/current_issue.shtml.

Interested parties may offer written comments on the proposed regulations or submit written suggestions, data, briefs or other materials to the Thoroughbred Racing Commission at the above address as to whether these proposed regulations should be adopted, rejected or modified. Pursuant to 29 Del.C. § 10118(a), public comments must be received on or before October 1, 2021. Written materials submitted will be available for inspection at the above address.

On or after October 1, 2021, following review of the public comment, the Thoroughbred Racing Commission will determine whether to amend its regulations by adopting the proposed rules or make additional changes because of the public comments received.

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](#). (If you are having technical difficulties accessing the site, please try a different browser.)

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

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 September 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 requirements for mask use among all students, faculty, staff, and visitors inside K-12 school buildings, regardless of vaccination status, as well as a severability clause.

Copies of the proposed regulations are available for review in the September 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 to Alanna Mozeik by Friday, October 1, 2021, at:

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

DEPARTMENT OF INSURANCE

Office of the Commissioner

PUBLIC NOTICE

1003 Credit for Reinsurance

Legislative Background

Delaware's Reinsurance Act, 18 **Del. C.** §§ 910-916, and Insurance Regulation 1003 are codifications of the National Association of Insurance Commissioners (NAIC) Credit for Reinsurance Model Law #785 (the Model Law) and NAIC Credit for Reinsurance Model Regulation #786 (the Model Regulation). Both the Model Law and the Model Regulation are designated by the NAIC as accreditation standards.

In 2019, the NAIC updated the Model Law and Model Regulation in response to the U.S.-EU Covered Agreement and the U.S.-UK Covered Agreement (the Covered Agreements). The Federal Insurance Office (FIO) has confirmed that the 2019 revisions to the Model Law satisfy the requirements of the Covered Agreements. See FIO Preemption Analysis at <https://home.treasury.gov/policy-issues/financial-markets-financial-institutions-and-fiscal-service/federal-insurance-office/covered-agreements/preemption-analysis>.

States are required to promulgate the Model Law and codify the Model Regulation in their entirety to avoid FIO preemption of the States' regulatory jurisdiction. FIO informs that:

- It is currently conducting a preemption determination process that consists of reviewing the laws of all 50 states, the District of Columbia, and the US territories;

- FIO has set an internal September 1, 2022 deadline for completing the preemption determination process; and
- FIO is planning to abide by their commitments made in the Covered Agreements.

Given FIO's September 1, 2022 deadline, it is incumbent upon states, including Delaware, to quickly amend their statutes and regulations to incorporate the amendments to the Model Law and Model Regulation. Accordingly, on June 29, 2021 the Commissioner of the Delaware Department of Insurance (the Department) worked with the Delaware General Assembly to amend Insurance Code Chapter 9 to incorporate the NAIC 2019 Model Act amendments. See HB 44 (83 Del. Laws. c. 104).

HB44 specifically does the following:

- Makes the Reinsurance Act consistent with provisions of covered agreements with the European Union and United Kingdom with respect to reinsurance collateral requirements;
- Provides reinsurers domiciled in NAIC-qualified jurisdictions other than within the EU (currently, Bermuda, Japan and Switzerland) with the possibility of similar reinsurance collateral reductions; and
- Applies to all cessions after July 30, 2021 under reinsurance agreements that have an inception, anniversary, or renewal date not less than 6 months after July 30, 2021.

Purpose of Proposal

The purpose of this proposal is to:

- Update Regulation 1003 to incorporate the amendments to the Model Regulation, based on the authority granted the Department under HB 44;
- Update formatting and internal cross-references; and
- Update the regulation with the effective date of these proposed amendments.

The proposed amendments may be viewed on the Department of Insurance web-site at <http://insurance.delaware.gov/information/proposedregs/>. The Department will not be holding a public hearing on the proposed amendments.

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 1st day of October, 2021 and should be directed to:

Regulatory Specialist
Delaware Department of Insurance
1351 West North Street, Suite 101
Dover, DE 19904
(302) 674-7379
Email: DOI_Legal@delaware.gov

DEPARTMENT OF JUSTICE
Fraud and Consumer Protection Division
PUBLIC NOTICE
105 Health Spa Act Regulation

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 Unit") hereby publishes notice of a proposed regulation to the Health Spa Regulation Act.

The proposed regulation was created to assist in the implementation and enforcement of the Health Spa Regulation Act by clarifying instructions for health spa registration, fee payment, contract requirements, and limitations of initiation fees.

Persons wishing to comment on the proposed revision may submit their comments in writing no later than October 1, 2021 to:

Marion Quirk

Consumer Protection Director
Department of Justice, Consumer Protection Unit
State Office Building, 5th Floor
820 N. French Street
Wilmington, DE 19081

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

Division of Watershed Stewardship

PUBLIC NOTICE

7402 Shellfish Sanitation Regulations

The current regulation does not list the membrane filter (MF) (membrane-Thermotolerant Escherichia coli [mTEC]) method as an approved bacteriological standard for the classification of shellfish growing areas. This method is an approved method under the National Shellfish Sanitation Program and is used by many states to classify the bacteriological water quality of shellfish harvesting areas because of its accuracy and significant cost savings for states due to the speed and simplicity of the test. This action will add the mTEC method as an approved method which can be used to classify shellfish growing areas, while maintaining the current approved methods found in the regulation. Side-by-side analysis has been conducted for over three (3) years and the results have shown that no changes in shellfish classifications would be required at this time if the method was adopted. This new method will allow the State of Delaware to save a significant amount of money annually, increase the speed that results are available and increase the ability for more areas to be monitored as needed to ensure shellfish safety as the industry grows.

This proposed method adoption has been presented to the commercial shellfish industry throughout the three (3) year assessment period and there are currently no impacts anticipated to the public due to no significant shellfish growing area classification changes being required. There are no costs associated with this regulatory change and there is minimal or no impact to commercial or recreational bi-valve shellfish harvesters. This action will save the State of Delaware thousands of dollars annually and continue to protect the State's shellfish resources and public health of shellfish consumers.

The proposed amendments may be inspected online starting September 1st, 2021 at http://regulations.delaware.gov/services/current_issue.shtml. A virtual public hearing will be held on **Tuesday, October 5th, 2021, beginning at 6 p.m.** The web link to the virtual meeting is found on the DNREC Public Hearings site at <https://de.gov/dnrehearings>. If prompted for a password, please use ShellfishSanRegs. To access the audio-only portion of the virtual hearing, dial 1-408-418-9388 and enter event code 179 119 1725. Closed-captioning is available by request if made at least 7 days before the event.

Those wishing to offer verbal comments during DNREC virtual public hearings must pre-register no later than noon on the date of the virtual hearing at <https://de.gov/dnrecomments> or by telephone at 302-739-9295.

The Department will accept public comment through the close of business on October, 20th, 2021. Comments pertaining to the above matter will be accepted in written form via email to DNRECHearingComments@delaware.gov, using the online form at <https://de.gov/dnrecomments>, or by U.S. mail to the following address: Lisa Vest, Hearing Officer, DNREC-Office of the Secretary, 89 Kings Highway, Dover, DE 19901.
