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# Delaware Register of Regulations

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Volume 28 - Issue 12, Pages 822-896

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Proposed  
Final

General Notices

Calendar of Events &  
Hearing Notices



Pursuant to 29 **Del.C.** Chapter 11, Subchapter III, this issue of the *Register* contains all documents required to be published, and received, on or before May 15, 2025.

*Cover Photo*  
*Legislative Hall*

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# INFORMATION ABOUT THE DELAWARE REGISTER OF REGULATIONS

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## DELAWARE REGISTER OF REGULATIONS

The *Delaware Register of Regulations* is an official State publication established by authority of 69 *Del. Laws*, c. 107 and is published on the first of each month throughout the year.

The *Delaware Register* will publish any regulations that are proposed to be adopted, amended or repealed and any emergency regulations promulgated.

The *Register* will also publish some or all of the following information:

- Governor's Executive Orders
  - Governor's Appointments
  - Agency Hearing and Meeting Notices
  - Other documents considered to be in the public interest.
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## CITATION TO THE DELAWARE REGISTER

The *Delaware Register of Regulations* is cited by volume, issue, page number and date. An example would be:

19 **DE Reg.** 1100 (06/01/16)

Refers to Volume 19, page 1100 of the *Delaware Register* issued on June 1, 2016.

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## SUBSCRIPTION INFORMATION

The cost of a yearly subscription (12 issues) for the *Delaware Register of Regulations* is \$135.00. Single copies are available at a cost of \$12.00 per issue, including postage. For more information contact the Division of Legislative Services at 302-744-4114 or 1-800-282-8545 in Delaware.

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## CITIZEN PARTICIPATION IN THE REGULATORY PROCESS

Delaware citizens and other interested parties may participate in the process by which administrative regulations are adopted, amended or repealed, and may initiate the process by which the validity and applicability of regulations is determined.

Under 29 **Del.C.** §10115 whenever an agency proposes to formulate, adopt, amend or repeal a regulation, it shall file notice and full text of such proposals, together with copies of the existing regulation being adopted, amended or repealed, with the Registrar for publication in the *Register of Regulations* pursuant to §1134 of this title. The notice shall describe the nature of the proceedings including a brief synopsis of the subject, substance, issues, possible terms of the agency action, a reference to the legal authority of the agency to act, and reference to any other regulations that may be impacted or affected by the proposal, and shall state the manner in which persons may present their views; if in writing, of the place to which and the final date by which such views may be submitted; or if at a public hearing, the date, time and place of the hearing. If a public hearing is to be held, such public hearing shall not be scheduled less than 20 days following publication of notice of the proposal in the *Register of Regulations*. If a public hearing will be held on the proposal, notice of the time, date, place and a summary of the nature of the proposal shall also be published in at least 2 Delaware newspapers of general circulation. The notice shall also be mailed to all persons who have made timely written requests of the agency for advance notice of its regulation-making proceedings.

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# INFORMATION ABOUT THE DELAWARE REGISTER OF REGULATIONS

The opportunity for public comment shall be held open for a minimum of 30 days after the proposal is published in the *Register of Regulations*. At the conclusion of all hearings and after receipt, within the time allowed, of all written materials, upon all the testimonial and written evidence and information submitted, together with summaries of the evidence and information by subordinates, the agency shall determine whether a regulation should be adopted, amended or repealed and shall issue its conclusion in an order which shall include: (1) A brief summary of the evidence and information submitted; (2) A brief summary of its findings of fact with respect to the evidence and information, except where a rule of procedure is being adopted or amended; (3) A decision to adopt, amend or repeal a regulation or to take no action and the decision shall be supported by its findings on the evidence and information received; (4) The exact text and citation of such regulation adopted, amended or repealed; (5) The effective date of the order; (6) Any other findings or conclusions required by the law under which the agency has authority to act; and (7) The signature of at least a quorum of the agency members.

The effective date of an order which adopts, amends or repeals a regulation shall be not less than 10 days from the date the order adopting, amending or repealing a regulation has been published in its final form in the *Register of Regulations*, unless such adoption, amendment or repeal qualifies as an emergency under §10119.

Any person aggrieved by and claiming the unlawfulness of any regulation may bring an action in the Court for declaratory relief.

No action of an agency with respect to the making or consideration of a proposed adoption, amendment or repeal of a regulation shall be subject to review until final agency action on the proposal has been taken.

When any regulation is the subject of an enforcement action in the Court, the lawfulness of such regulation may be reviewed by the Court as a defense in the action.

Except as provided in the preceding section, no judicial review of a regulation is available unless a complaint therefor is filed in the Court within 30 days of the day the agency order with respect to the regulation was published in the *Register of Regulations*.

## CLOSING DATES AND ISSUE DATES FOR THE DELAWARE REGISTER OF REGULATIONS

ISSUE DATE	CLOSING DATE	CLOSING TIME
July 1	June 15	4:30 p.m.
August 1	July 15	4:30 p.m.
September 1	August 15	4:30 p.m.
October 1	September 15	4:30 p.m.
November 1	October 15	4:30 p.m.
December 1	November 15	4:30 p.m.

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2409 Procedures for Establishment of Fee Simple Ownership by the State of Delaware for Abandoned Right of Way Easements.....	28 DE Reg. 217 (Prop.)
<b>OFFICE OF MANAGEMENT AND BUDGET</b>	
<b>Division of Facilities Management</b>	
4104 Regulations for the Drug Testing of Contractor and Subcontractor Employees Working on Large Public Works Projects.....	28 DE Reg. 30 (Prop.)
	28 DE Reg. 228 (Final)
	28 DE Reg. 326 (Final)
<b>OFFICE OF THE STATE TREASURER</b>	
<b>Cash Management Policy Board</b>	
1201 Statement of Objectives and Guidelines for the Investment of State of Delaware Funds.....	28 DE Reg. 377 (Prop.)
	28 DE Reg. 549 (Final)

ERRATA

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

Statutory Authority: 31 Delaware Code, Section 512 (31 Del.C. §512)

ERRATA

Juvenile Justice Initiative

**\* Please Note:** The Department of Health and Social Services regulation, Juvenile Justice Initiative, was published as proposed in the *Delaware Register of Regulations*, 28 DE Reg. 651 (03/01/25). The following provision was inadvertently published incorrectly:

The footer of Attachment 4.19-B page 30 Amended was published as:

TN: 25-0001  
Supersedes TN: NEW

Approval Date: \_\_\_\_\_  
Effective: 1/1/25

The footer of Attachment 4.19-B page 30 Amended should have read:

TN: 25-0001  
Supersedes TN: NEW

Approval Date: \_\_\_\_\_  
Effective: 1/1/25

This regulation is corrected and being published as a final regulation in the June 2025 *Register*.

DIVISION OF PUBLIC HEALTH

Statutory Authority: 16 Delaware Code, Section 122(3) (16 Del.C. §122(3))  
16 DE Admin. Code 4104

ERRATA

4104 Delaware Conrad State 30/J-1 Visa Waiver Program

**\* Please Note:** The Department of Health and Social Services, Division of Public Health regulation, 4104 Delaware Conrad State 30/J-1 Visa Waiver Program, was published as proposed in the *Delaware Register of Regulations*, 28 DE Reg. 654 (03/01/25). The following provisions were inadvertently published incorrectly:

Subsection 6.1.1.5 of the regulation, was published as:

- 6.1.1.5
- Sites approved to participate in the Conrad State 30/J-1 Visa Waiver Program must also participate in state programs designed to ~~increased~~ increase access to care for the uninsured/under insured such as the ~~Community Healthcare Access Program (CHAP)~~ Screening for Life Health Care Connection, the ~~VIP#~~ VIP provider network, and, if appropriate other charitable programs. Sponsoring sites must ~~verify that they will~~ enroll in the ~~VIP#~~ VIP Program within 30 days of site approval (~~if if they are not already network members~~). members. To enroll in the VIP program, call the Medical Society of Delaware at 302-224-5190 (select option 1). To enroll in ~~CHAP~~, ~~please call 2-1-2 or~~ Screening for Life Health Care Connection, call 302-744-1040.

The subsection should have read:

- 6.1.1.5 Sites approved to participate in the Conrad State 30/J-1 Visa Waiver Program must also participate in state programs designed to ~~increased~~ increase access to care for the uninsured/under insured such as the ~~Community Healthcare Access Program (CHAP)~~ Screening for Life Health Care Connection, the ~~VIP#~~ VIP provider network, and, if appropriate other charitable programs. Sponsoring sites must ~~verify that they will~~ enroll in the ~~VIP#~~ VIP Program within 30 days of site approval (~~if if they are not already network members~~). To enroll in the VIP program, call the Medical Society of Delaware at 302-224-5190 (select option 1). To enroll in ~~CHAP, please call 2-1-2 or~~ Screening for Life Health Care Connection, call 302-744-1040.

Subsection 6.1.3 of the regulation was published as:

- 6.1.3 Retention. The sponsoring site must provide ~~thorough~~ thorough, written documentation of plans to retain the J-1 physician in the service area upon completion of the ~~three-year~~ 3-year practice obligation. Specifically, this plan must include ~~short~~ short-term and long-term strategies that will not only keep the physician in the service area, but also will encourage the physician to continue to practice the specialty for which ~~he/she was hired including but not limited to~~ the physician was hired. This includes malpractice insurance, partnership opportunities, ~~if applicable~~, annual and sick leave, a competitive ~~salary and salary increases~~ salary, salary increases, and a health ~~and/or~~ benefits package, if applicable.

The subsection should have read:

- 6.1.3 Retention. The sponsoring site must provide ~~thorough~~ thorough, written documentation of plans to retain the J-1 physician in the service area upon completion of the ~~three-year~~ 3-year practice obligation. Specifically, this plan must include ~~short~~ short-term and long-term strategies that will not only keep the physician in the service area, but also will encourage the physician to continue to practice the specialty for which ~~he/she was hired including but not limited to~~ the physician was hired. This includes malpractice insurance, partnership opportunities, ~~if applicable~~, annual and sick leave, a competitive ~~salary and salary increases~~ salary, salary increases, and a health ~~and/or~~ benefits package, if applicable.

Subsection 7.2.1.1 of the regulation was published as:

- 7.2.1.1 4) ~~the~~ The sponsoring site is located within a ~~HPSA/MUA or not~~ HPSA/MUA; and

The subsection should have read:

- 7.2.1.1 4) ~~the~~ The sponsoring site is located within a ~~HPSA/MUA or not~~ HPSA/MUA; and

This regulation is corrected and being published as a final regulation in the June 2025 *Register*.

**DEPARTMENT OF STATE**  
**PUBLIC SERVICE COMMISSION**

Statutory Authority: 26 Delaware Code, Section 209(a)(1) (26 **Del.C.** §209(a)(1))  
26 **DE Admin. Code** 3007

**ERRATA**

**3007 Electric Service Reliability and Quality Standards**

\* **Please Note:** The Department of State, Public Service Commission regulation, 3007 Electric Service Reliability and Quality Standards, was published as proposed in the *Delaware Register of Regulations*, 28 **DE Reg.** 34 (07/01/24). The following provisions were inadvertently published incorrectly:

In Section 2.0 of the regulation, the following was published as:

"**IEEE**" means the Institute of Electrical and Electronics Engineers.

This language should have read:

"**IEEE**" means the Institute of Electrical and Electronics Engineers.

Subsection 8.3.5 of the regulation was published as:

- 8.3.5 The time at which the mutual aid and non-company contractor crews were requested, arrived for duty and were released, and the mutual aid and non-contractor ~~response(s)~~ responses to the ~~request(s)~~ request for assistance; and

The subsection should have read:

- 8.3.5 The time at which the mutual aid and non-company contractor crews were requested, arrived for duty and were released, and the mutual aid and non-contractor ~~response(s)~~ responses to the ~~request(s)~~ request for assistance; and

These will be corrected when the regulation is published as final.

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**Symbol Key**

Arial type indicates the text existing prior to the regulation being promulgated. Underlined text indicates new text. Language which is ~~stricken~~ through indicates text being deleted.

**Proposed Regulations**

Under 29 **Del.C.** §10115 whenever an agency proposes to formulate, adopt, amend or repeal a regulation, it shall file notice and full text of such proposals, together with copies of the existing regulation being adopted, amended or repealed, with the Registrar for publication in the *Register of Regulations* pursuant to §1134 of this title. The notice shall describe the nature of the proceedings including a brief synopsis of the subject, substance, issues, possible terms of the agency action, a reference to the legal authority of the agency to act, and reference to any other regulations that may be impacted or affected by the proposal, and shall state the manner in which persons may present their views; if in writing, of the place to which and the final date by which such views may be submitted; or if at a public hearing, the date, time and place of the hearing. If a public hearing is to be held, such public hearing shall not be scheduled less than 20 days following publication of notice of the proposal in the *Register of Regulations*. If a public hearing will be held on the proposal, notice of the time, date, place and a summary of the nature of the proposal shall also be published in at least 2 Delaware newspapers of general circulation. The notice shall also be mailed to all persons who have made timely written requests of the agency for advance notice of its regulation-making proceedings.

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**DEPARTMENT OF EDUCATION**  
**PROFESSIONAL STANDARDS BOARD**

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 **Del.C.** §§1203, 1205(b), and 1220)  
14 **DE Admin. Code** 1519

**PUBLIC NOTICE**

**Educational Impact Analysis Pursuant to 14 Del. C. §122(d)**

**1519 Multiple Measures for Demonstrating Content Knowledge****A. TYPE OF REGULATORY ACTION REQUESTED**

Amendment to Existing Regulation

**B. SYNOPSIS OF SUBJECT MATTER OF REGULATION**

Pursuant to 14 **Del.C.** §§1203, 1205(b), and 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 1519 Multiple Measures for Demonstrating Content Knowledge. The regulation sets forth alternative means of demonstrating content knowledge for applicants of certain content area Standard Certificates who do not achieve the minimum score specified in the regulation for the Standard Certificate sought. The proposed amendments in this regulation include amending subsection 1.2 to allow for the Praxis Bridge<sup>®</sup> Program; adding the definition of "Praxis Bridge<sup>®</sup>" in Section 2.0; amending subsection 4.2 to allow for the Praxis Bridge<sup>®</sup>; amending subsections 5.1.3.3, 5.3, and 6.1.2.2.3 allowing for Micro-credentials. The proposed amendments also include grammatical and style changes to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/governance/>

[regulations-code/post-a-comment/](#) by the close of business (4:30 p.m. EST) on or before July 2, 2025. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

**C. IMPACT CRITERIA**

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The alternative means of demonstrating content knowledge set forth by adding the Praxis Bridge<sup>®</sup> are designed to improve the quality of the educator workforce, which will help to improve student achievement.

2. Will the amended regulation help ensure that all students receive an equitable education? The alternative means of demonstrating content knowledge set forth by adding the Praxis Bridge<sup>®</sup> are designed to improve the quality of the educator workforce, which will help to ensure students in Delaware public schools receive an equitable education.

3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation addresses alternative means of demonstrating content knowledge for applicants of certain content area Standard Certificates who do not achieve the minimum score specified in the regulation for the Standard Certificate sought and is not designed to help ensure students' health and safety is protected.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses alternative means of demonstrating content knowledge for applicants of certain content area Standard Certificates who do not achieve the minimum score specified in the regulation for the Standard Certificate sought and is not designed to help ensure students' legal rights are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation does not change authority and flexibility of decision makers at the local board and school level. By statute (14 Del.C. §1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for the Standard Certificate sought but whose effectiveness is documented by the district or school. The amended regulation does not change a school district or charter school's ability to submit such a request.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels.

7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The Department implements the rules and regulations promulgated and adopted pursuant to 14 Del.C. Ch. 12 relating to the licensure and certification of educators.

8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies? The amended regulation is consistent with, and not an impediment to, the implementation of other state educational policies, and in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies.

9. Is there a less burdensome method for addressing the purpose of the amended regulation? There is not a less burdensome method for addressing the purpose of this amended regulation.

10. What is the cost to the state and to the local school boards of compliance with the amended regulation? There is no expected cost to the state or to the local school boards of complying with this amended regulation.

**\*Please Note:**

(1) The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:

<https://regulations.delaware.gov/register/june2025/proposed/28 DE Reg 837RFA 06-01-25.pdf>

(2) Due to the size of the proposed regulation, it is not being published here. A copy of the regulation is available at:

<https://regulations.delaware.gov/register/june2025/proposed/28 DE Reg 837 06-01-25.htm>

## DEPARTMENT OF HEALTH AND SOCIAL SERVICES

### DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)  
16 **DE Admin. Code** 16000

#### PUBLIC NOTICE

#### **16000 Financial Methodologies - Application of Modified Adjusted Gross Income (MAGI) Methodology**

#### **Executive Order 36 Review and Reform of State Agency Regulations Part 1**

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 a periodic review of Division of Social Services Manual (DSSM), specifically, regulations promulgated three years ago or more for possible modification or elimination.

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 by mail 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, 2025. Please identify in the subject line: Executive Order 36 Review and Reform of State Agency Regulations Part 1.

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.

#### **SUMMARY OF PROPOSAL**

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) is proposing a periodic review of Division of Social Services Manual (DSSM), regarding Executive Order 36 Review and Reform of State Agency Regulations Part 1.

#### **Statutory Authority**

- State of Delaware Executive Order 36, Review and Reform of State Agency Regulations

#### **Background**

Delaware Health and Social Services (DHSS) is the principal state agency charged with providing health and other essential human services so its citizens can live healthier, more prosperous, and more productive lives.

On June 14, 2012, Governor Jack Markell signed Executive Order 36, which establishes a process for the review of certain regulations by state agencies. In Executive Order 36, "Review and Reform of State Agency Regulations", the Governor recognized the importance of a streamlined, effective, and efficient regulatory framework designed to promote economic growth and improve the efficiency of state government.

While regulations can establish clear and transparent frameworks for competition and economic activity, unnecessary and duplicative regulations can also damage market economy by imposing unnecessary costs on the private sector and citizens.

Executive Order 36 is the mechanism to achieve a more robust and effective regulatory framework. The Governor has directed the heads of all state departments and agencies to review existing significant regulations to identify those rules that can be eliminated as obsolete, unnecessary, burdensome, or counterproductive or that can be modified to be more effective, efficient, flexible, and streamlined.

While the systematic review of regulations will focus on the elimination of rules that are no longer justified or necessary, the review will also consider strengthening, complementing, or updating rules where necessary or appropriate---including, if relevant, undertaking new rulemaking.

DMMA is responsible for regulations, in whole or in part, that appear in the Delaware Administrative Code and are identified as Division of Social Services Manual (DSSM) Sections 16000, 30000, 50000, 70000, and 80000. These regulations may be viewed online at: Delaware Social Services Manual

### **Summary of Proposal**

#### *Purpose*

The purpose of this proposed regulation is to conduct a periodic review of Division of Social Services Manual (DSSM).

#### *Summary of Proposed Changes*

Effective August 11, 2025, the DHSS/DMMA proposes to amend DSSM promulgated three years ago or more for possible modification or elimination.

#### *Public Notice*

In accordance with the *federal* public notice requirements established in Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 440.386 and the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DMMA gives public notice and provides an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments must be received by 4:30 p.m. on July 1, 2025.

#### *Provider Manuals and Communications Update*

Also, there may be additional provider manuals that may require updates as a result of these changes. The applicable Delaware Medical Assistance Program (DMAP) Provider Policy Specific Manuals and/or Delaware Medical Assistance Portal will be updated. Manual updates, revised pages or additions to the provider manual are issued, as required, for new policy, policy clarification, and/or revisions to the DMAP program. Provider billing guidelines or instructions to incorporate any new requirement may also be issued. A newsletter system is utilized to distribute new or revised manual material and provide other pertinent information regarding DMAP updates. DMAP updates are available on the Delaware Medical Assistance Portal website: <https://medicaid.dhss.delaware.gov/provider>

### **Fiscal Impact**

There is no fiscal impact.

**\*Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del. C. Ch. 104, is available at:**

**<https://regulations.delaware.gov/register/june2025/proposed/28 DE Reg 839RFA 06-01-25.pdf>**

### **16000 Financial Methodologies - Application of Modified Adjusted Gross Income (MAGI) Methodology**

This section implements section 1902(e)(14) of the Social Security Act and describes the modified adjusted gross income (MAGI) methodology used to determine household composition and family size and how income is counted for the financial eligibility determination of modified adjusted gross income (MAGI)-related eligibility groups in accordance with the Affordable Care Act of 2010.

### **16100 Definitions**

The following words and terms, when used in the context of these policies, will have the following meaning unless the context clearly indicates otherwise.

***(Break in Continuity Within Section)***

**“Qualifying relative”** To be a dependent, a person must be either a qualifying child or a qualifying relative. Generally, a person is a qualifying relative if that person:

- Lives with or is related to the taxpayer claiming him or her,
- ~~Doesn't have \$4,050 or more of gross total income (based on 2017 IRS Pub 501 limit),~~ Has gross income at or below the Qualifying Relative income limit found in IRS Pub 501 (which may change annually).
- Is supported (generally more than 50%) by the taxpayer claiming him or her, and
- Is neither a qualifying child nor a qualifying child of anyone else

For more information, see *Exemptions for Dependents* in IRS Pub. 501

***(Break in Continuity of Sections)***

**16500.1 Counted Income - Below are the common but not exclusive list of included income items per the Internal Revenue Service (IRS) for calculating MAGI. Please visit <https://www.irs.gov/publications/p525> to find the entire list of items on the list.**

- Wages, salaries, tips, etc.
- Interest – both taxable and tax-exempt amounts.
- Ordinary dividends.
- Qualified dividends.
- Taxable refunds, credits, or offsets of state and local income taxes.
- Alimony - for individuals with alimony agreements finalized on or before December 31, 2018, alimony continues to be included in the income of the recipient for the duration of the agreement unless or until the agreement is modified. Alimony payments under separation or divorce agreements finalized after December 31, 2018, or pre-existing agreements modified after December 31, 2018, are not included in the income of the recipient.
- Self-Employment (Business income or ~~(loss)~~ loss).
- Capital gain or (loss).
- Other gains or (losses).
- IRA distributions – taxable amount.
- Pensions and annuities – taxable amount.
- Rental real estate, royalties, partnerships, S corporations, trusts, etc.
- Farm income or (loss).
- Unemployment compensation.
- Social Security benefits – both taxable and tax-exempt amounts.
- Lump sum payment - a non-recurring lump sum payment (such as back pay, a retroactive benefit payment, State tax refund, or an insurance settlement) is counted as taxable income only in the month received.
- Gambling winnings less than \$80,000 are counted in the month received; Winnings of \$80,000 but less than \$90,000 are counted as income over two months, with an equal amount counted in each month. For every additional \$10,000 one month is added to the period over which total winnings are divided, in equal installments, and counted as income. The maximum period of time over which winning may be counted is 120 months.
  1. Under section 53103(b)(2) of the BBA of 2018 the requirement to count qualified lottery and gambling winnings in household income over multiple months applies only to the individuals receiving the winnings. The determination of household income for other members of the individual's household are not affected.

For example: the total amount of qualified lottery or gambling winnings of a spouse or parent continues to count only in the month received in determining the eligibility of the other spouse and children.
  2. Affected individuals are notified of the date on which the lottery or gambling winnings no longer will be counted for the purpose of Medicaid or CHIP eligibility. DMMA will also notify affected individuals of the hardship exemption.
- Other taxable income.

**\*Please Note: As the rest of the sections were not amended, they are not being published. A copy of the regulation is available at:**

**<https://regulations.delaware.gov/register/june2025/proposed/28 DE Reg 839 06-01-25.htm>**

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**DIVISION OF MEDICAID AND MEDICAL ASSISTANCE**

Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)  
16 **DE Admin. Code** 50000

**PUBLIC NOTICE**

**50000 Chronic Renal Disease Program**

**Executive Order 36 Review and Reform of State Agency Regulations Part 2**

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 a periodic review of Division of Social Services Manual (DSSM), specifically, regulations promulgated three years ago or more for possible modification or elimination.

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 by mail 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, 2025. Please identify in the subject line: Executive Order 36 Review and Reform of State Agency Regulations Part 2.

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.

**SUMMARY OF PROPOSAL**

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) is proposing a periodic review of Division of Social Services Manual (DSSM), regarding Executive Order 36 Review and Reform of State Agency Regulations Part 2.

**Statutory Authority**

- State of Delaware Executive Order 36, Review and Reform of State Agency Regulations

**Background**

Delaware Health and Social Services (DHSS) is the principal state agency charged with providing health and other essential human services so its citizens can live healthier, more prosperous, and more productive lives.

On June 14, 2012, Governor Jack Markell signed Executive Order 36, which establishes a process for the review of certain regulations by state agencies. In Executive Order 36, "Review and Reform of State Agency Regulations", the Governor recognized the importance of a streamlined, effective, and efficient regulatory framework designed to promote economic growth and improve the efficiency of state government.

While regulations can establish clear and transparent frameworks for competition and economic activity, unnecessary and duplicative regulations can also damage market economy by imposing unnecessary costs on the private sector and citizens.

Executive Order 36 is the mechanism to achieve a more robust and effective regulatory framework. The Governor



has directed the heads of all state departments and agencies to review existing significant regulations to identify those rules that can be eliminated as obsolete, unnecessary, burdensome, or counterproductive or that can be modified to be more effective, efficient, flexible, and streamlined.

While the systematic review of regulations will focus on the elimination of rules that are no longer justified or necessary, the review will also consider strengthening, complementing, or updating rules where necessary or appropriate---including, if relevant, undertaking new rulemaking.

DMMA is responsible for regulations, in whole or in part, that appear in the Delaware Administrative Code and are identified as Division of Social Services Manual (DSSM) Sections 16000, 30000, 50000, 70000, and 80000. These regulations may be viewed online at: Delaware Social Services Manual

## Summary of Proposal

### *Purpose*

The purpose of this proposed regulation is to conduct a periodic review of Division of Social Services Manual (DSSM).

### *Summary of Proposed Changes*

Effective August 11, 2025, the DHSS/DMMA proposes to amend DSSM promulgated three years ago or more for possible modification or elimination.

### *Public Notice*

In accordance with the *federal* public notice requirements established in Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 440.386 and the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DMMA gives public notice and provides an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments must be received by 4:30 p.m. on July 1, 2025.

### *Provider Manuals and Communications Update*

Also, there may be additional provider manuals that may require updates as a result of these changes. The applicable Delaware Medical Assistance Program (DMAP) Provider Policy Specific Manuals and/or Delaware Medical Assistance Portal will be updated. Manual updates, revised pages or additions to the provider manual are issued, as required, for new policy, policy clarification, and/or revisions to the DMAP program. Provider billing guidelines or instructions to incorporate any new requirement may also be issued. A newsletter system is utilized to distribute new or revised manual material and provide other pertinent information regarding DMAP updates. DMAP updates are available on the Delaware Medical Assistance Portal website: <https://medicaid.dhss.delaware.gov/provider>

## Fiscal Impact

There is no fiscal impact.

**\*Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del. C. Ch. 104, is available at:**

**<https://regulations.delaware.gov/register/june2025/proposed/28 DE Reg 842RFA 06-01-25.pdf>**

## 50000 Chronic Renal Disease Program

The Delaware Legislature established the Chronic Renal Disease Program (CRDP) effective 1970 by enacting Title 29, Chapter 79, Subchapter 11, Sections 7932-7935. The purpose of this program is to provide assistance to state residents diagnosed with End Stage Renal Disease (ESRD). The CRDP is not federally funded. CRDP is 100% State funded. Since there are limited funds available, the CRDP should only be utilized as a program of last resort. All third party resources (Medicare, Medicaid, Veteran's Benefits, and Private Insurance) must be considered before CRDP funds are utilized.



The mission of the CRDP is to “improve the quality of life for Delawareans with ESRD by promoting health and well-being, fostering self-sufficiency, and protecting a vulnerable population.”

The Chronic Renal Disease Advisory Board is composed of 11 members who are appointed by the Secretary of Delaware Health and Social Services. The role of this Advisory Board is to consult with the Secretary in the administration of the Chronic Renal Disease Program, as needed. Board members represent hospitals and medical centers, which establish dialysis centers, voluntary agencies interested in kidney diseases, related public agencies, physicians licensed to practice medicine and the general public.

#### **50100 Services Provided by CRDP**

Services provided by the CRDP can consist of payment for medications, nutritional supplements, transportation, and payment of Medicare Part D costs. ~~Electronic Data Systems (EDS) is the CRDP's fiscal agent. They are~~ is responsible for processing all eligible CRDP claims.

##### **50100.1 Medications**

The CRDP ~~has the ability to~~ may fund prescription medications, over-the-counter medications (OTC's) or both. As participation in Medicare Part D or proof of creditable coverage became a condition of CRDP eligibility, the CRDP program no longer provides primary pharmacy benefit coverage for many medications. As such, to improve access to prescription and OTC medications, benefits may be offered to all CRDP eligible clients, regardless of individual need review.

Services covered include generic and brand name prescription drugs that have been approved as safe and effective by the Federal Food and Drug Administration as well as cost effective over-the-counter drugs prescribed by a licensed practitioner. Prescription drugs will be reimbursed in accordance with current Division of Medicaid & Medical Assistance formulary limitations and procedures.

Reimbursement for medications will be made only for clients currently eligible and approved for participation in CRDP. All third-party resources must be used before CRDP funds are utilized.

Prescription medications will be funded as described above if prescribed by a physician or licensed practitioner for eligible CRDP clients. Refills may be authorized in compliance with appropriate pharmacy laws and are subject to Division of Medicaid and Medical Assistance (DMMA) formulary restrictions.

Reimbursements for OTC products for eligible clients are those, which the physician/practitioner has provided a legal prescription to the pharmacist. OTCs are covered based on the DMMA policy with an exception for nutritional supplements (for additional information, refer to “DSSM 50100.2 Nutritional Supplements”).

At point of sale, the pharmacist will determine electronically if another funding source is available, and bill that ~~vendor(s)~~ vendor first, and then will determine if CRDP will fund the requested product. In order for the pharmacy to receive CRDP payment, they must be a participating Delaware Medicaid provider, with a valid provider identification number.

*(Break in Continuity of Sections)*

##### **50100.4 Medicare Part D Costs**

The Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA) established the Medicare Prescription Drug Program, also known as Medicare Part D, making prescription drug coverage available to individuals who are entitled to receive Medicare benefits under Part A or Part B, beginning on January 1, 2006.

The MMA provides for a ~~Low-Income~~ Low-Income Subsidy (LIS) for individuals with limited income and resources. The LIS is assistance provided by the Centers for Medicare and Medicaid Services to pay Medicare Part D costs for eligible individuals. The LIS will provide payment assistance with the monthly premium, ~~the~~ yearly deductible, co-payments, and the coverage gap. ~~The LIS will also provide payment assistance for co-payments~~

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~~after an individual with income below 135% of the Federal Poverty Level reaches a total of \$5100 in drug expenses.~~

The CRDP will provide coverage for Medicare Part D costs including monthly premiums, yearly deductible, drug costs that fall into the Part D coverage gap, and co-payments. If an individual is eligible for the LIS, this assistance will be primary to CRDP assistance.

*(Break in Continuity of Sections)*

## 50300 Referral Process

~~A referral for the Chronic Renal Disease Program (CRDP) may be received from many sources. Client, family member, caretaker, physicians and/or Clients, family members, caretakers, physicians, or other professionals may initiate the referral process by contacting the CRDP office and requesting that to request an application be mailed or faxed. Completed applications may be returned to the office by mail or telephone, fax, via mail, in person with reasonable accommodations for those with disabilities, as defined by the Americans with Disabilities Act (ADA), and through other commonly available electronic means. Once the application has been received, the client or referral source will be contacted to set up an appointment to complete the CRDP eligibility determination.~~

## 50400 Application Process

Applicants must be medically and financially eligible to receive coverage. The client or ~~his~~ the client's representative must complete and sign a CRPD application form ~~and mail or fax to the DMMA office.~~ Completed applications may be submitted by telephone, fax, via mail, in person with reasonable accommodations for those with disabilities, as defined by the Americans with Disabilities Act (ADA), and through other commonly available electronic means. Once the application has been received, DMMA may contact the applicant or the referral source if additional information is required to complete the determination of eligibility. The date the application is received in the DMMA office is the first possible date that benefits may start. ~~The client must complete an application in person or via the telephone. The individual must also provide the requested verifications necessary to determine eligibility.~~

CRPD will consider applications without regard to race, color, age, sex, disability, religion, national origin, or political belief, as per Title VI of the Civil Rights Act of 1964.

Filing an application gives the applicant the right to receive a written determination of eligibility and the right to appeal the written determination.

At time of application and/or redetermination, each individual must be informed that they are responsible for notifying the CRDP worker of all changes in their circumstances, which could potentially affect their eligibility for the CRDP.

*(Break in Continuity of Sections)*

## 50500 Technical Eligibility

Only persons who are residents of the State of Delaware shall be eligible for services. Additionally, the individual must be an U.S. citizen or a lawfully admitted alien non-citizen.

An individual who is entitled to receive Medicare benefits under Part A or Part B must enroll in Part D in order to be eligible for CRDP. The individual must provide proof of Medicare Part D enrollment. Exception: Medicare eligible individuals who have creditable coverage are not required to enroll in Part D as a condition of eligibility. Coverage is creditable if the actuarial value of the coverage equals or exceeds the actuarial value of the standard prescription drug coverage under Part D.

An individual must apply for the LIS if potentially eligible. The individual must provide a copy of the LIS denial or approval notice.

Individuals may be found eligible for CRDP pending their Medicare Part D enrollment and application for LIS for a period of no longer than 90 days from the date of application for CRDP. Current recipients will be notified about the Medicare Part D enrollment requirement and the LIS requirement. They will be given a deadline date by which they must meet this requirement.

*(Break in Continuity of Sections)*

#### **50700.1 Income**

Income is the total amount of money authorized and received for the applicant's benefit. Income includes anything received by the individual in cash or in kind, that can be used to meet ~~needs for food, clothing~~ the applicant's need for food or shelter. Gross income is used to determine eligibility. Some examples of income include, but are not limited to the following: Social Security, Railroad Retirement, pensions, wages, net earnings from self-employment (NESE), rental income, etc.

**\*Please Note: As the rest of the sections were not amended, they are not being published. A copy of the regulation is available at:**

<https://regulations.delaware.gov/register/june2025/proposed/28 DE Reg 842 06-01-25.htm>

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### **DIVISION OF MEDICAID AND MEDICAL ASSISTANCE**

Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)

#### **PUBLIC NOTICE**

#### **Global Budget**

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 Global Budget, specifically, to amend the Whole Child Health Global Budget model for fee-for-services program populations.

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, 2025. Please identify in the subject line: Global Budget

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.

#### **SUMMARY OF PROPOSAL**

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) is proposing to amend Title XIX Medicaid State Plan regarding Global Budget.

#### **Statutory Authority**

- 42 CFR 447.201

#### **Background**

On January 2, 2025, the Secretary of DHSS executed a Memorandum of Understanding (MOU) with Nemours Children's Health (Nemours) to implement the Whole Child Health Global Budget model (Model). The Model is a

financing arrangement between DHSS and Nemours designed to promote whole child health while simultaneously mitigating growth in costs and optimizing financial stability for both DHSS/DMMA and Nemours.

States are required to document the policies and methods used in setting payment rates for Medicaid services in their Medicaid State Plans (42 CFR 447.201).

## Summary of Proposal

### *Purpose*

The purpose of this proposed regulation is to amend the Whole Child Health Global Budget model for fee-for-services program populations.

### *Summary of Proposed Changes*

Effective April 1, 2025, the DHSS/DMMA proposes to amend Title XIX Medicaid State Plan to clarify global budget.

### *Public Notice*

In accordance with the *federal* public notice requirements established in Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 440.386 and the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DMMA gives public notice and provides an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments must be received by 4:30 p.m. on July 1, 2025.

### *Centers for Medicare and Medicaid Services Review and Approval*

The provisions of this state plan amendment (SPA) are subject to approval by the Centers for Medicare and Medicaid Services (CMS). The draft SPA page(s) may undergo further revisions before and after submittal to CMS based upon public comment and/or CMS feedback. The final version may be subject to significant change.

### *Provider Manuals and Communications Update*

Also, there may be additional provider manuals that may require updates as a result of these changes. The applicable Delaware Medical Assistance Program (DMAP) Provider Policy Specific Manuals and/or Delaware Medical Assistance Portal will be updated. Manual updates, revised pages or additions to the provider manual are issued, as required, for new policy, policy clarification, and/or revisions to the DMAP program. Provider billing guidelines or instructions to incorporate any new requirement may also be issued. A newsletter system is utilized to distribute new or revised manual material and provide other pertinent information regarding DMAP updates. DMAP updates are available on the Delaware Medical Assistance Portal website: <https://medicaid.dhss.delaware.gov/provider>

## Fiscal Impact

There is no anticipated fiscal impact.

**\*Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del. C. Ch. 104, is available at:**

<https://regulations.delaware.gov/register/june2025/proposed/28 DE Reg 846RFA 06-01-25.pdf>

Attachment 4.19-A

Page 13

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
STATE/TERRITORY: **DELAWARE**

### **Delaware Whole Child Health Global Budget**

Effective for services incurred on April 1, 2025, through December 31, 2027, Nemours Children's Health (Nemours) is eligible for Medicaid supplemental payments based on the cost and quality of services provided by Nemours to Medicaid fee-for-service program enrollees.

The State will annually calculate a Global Revenue Budget (GRB) for Medicaid and CHIP services provided by Nemours Children's Health in calendar years (CYs) 2025, 2026, and 2027. For each year, the GRB will be calculated based on historical Medicaid and CHIP expenditures with the following adjustments:

1. **Trend:** Based on shared efforts through model design reviews of pertinent data, a trend of 5% per annum will be used for establishing the GRB for the first Performance Year, CY 2025. This figure is the presumptive trend assumption for Performance Years two and three (CYs 2026 and 2027), unless the State determines the need for adjustment based on data and experience.

2. **Demographics:** Adjust for changes in Delaware Medicaid including managed care utilization and CHIP enrollment. The State will further determine the appropriate adjustment to be made to the GRB based on actual and projected enrollment changes starting Performance Year two.

3. **Exclusions:** Identify select Exclusions to be paid outside of the Global Revenue Budget (GRB). The State will consider the following factors in determining excluded services starting Performance Year two:

- 3.1.1 Certain Physician-Administered Drugs.
- 3.1.2 New Technology.
- 3.1.3 Outliers exclusion will not apply during 2025, 2026 or 2027.

4. **Utilization Adjustments:** The GRB will be adjusted for changes to Major Planned Services and Market shift, starting Performance Year two. Any adjustments will be made using claims and encounter data, and will consider:

- 4.1.1 Market Shift. Adjust for shifts in market share of Model services to Medicaid beneficiaries between Nemours and other providers.
- 4.1.2 Major Planned Service Changes. Adjust for material service additions, service expansions, or service reductions, or other potential situations using the approach contained in methodology specifications.

5. **Policy Adjustments:** Adjustments to account for policy changes that impact Medicaid or CHIP covered benefits, reimbursement, or enrollment, including potential fee schedule rate changes or changes in supplemental payments.

6. **Other Potential Budget Adjustments:** Potential adjustments to account for exogenous factors unrelated to the Model, such as changes in health insurance coverages; rapid adoption of a new technology; investments in care redesign at an accelerated pace; changes in law or regulations; localized health, environmental, or economic shocks; natural disasters; acts of war; localized civil disorder; rapid acceleration in inflation; and delays in party provision of data or performing of other deliverables that affect Model implementation.

TN No. SPA #25-0006	Approval Date:
Supersedes N/A	
	Effective Date: April 1, 2025

Attachment 4.19-A  
Page 13 cont.

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
STATE/TERRITORY: **DELAWARE**

After each calendar year, Delaware Medicaid and CHIP program payments to Nemours will be reconciled to the GRB. If actual Medicaid and CHIP program payments are at least 0.5% less than the GRB, Nemours will be eligible to receive 100% of the savings, subject to performance on Quality Measures, not exceeding \$5 million for

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Performance Year 2025, \$15 million in 2026, and \$18 million in 2027.

Contingent on Nemours meeting or exceeding Quality Measure Performance Targets, Title XIX Medicaid State Plan fee-for-service supplemental payments will be equal to the Title XIX Medicaid State Plan fee-for-service portion of the GRB (i.e., the portion of the GRB attributable to projected Title XIX Medicaid State Plan fee-for-service program enrollees) multiplied by the total earned savings.

TN No. SPA #25-0006	Approval Date:
Supersedes <u>N/A</u>	Effective Date: <u>April 1, 2025</u>

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## DIVISION OF PUBLIC HEALTH

Statutory Authority: 16 Delaware Code, Section 9705(p)(1) (16 Del.C. §9705(p)(1))  
16 DE Admin. Code 4303

### PUBLIC NOTICE

#### 4303 Automatic External Defibrillation

Pursuant to 16 **Del.C.** §9705(p)(1), the Department of Health and Social Services, Division of Public Health, Emergency Medical Services Section, is proposing revisions to the regulations governing automatic external defibrillation (16 **DE Admin. Code** 4303).

The proposed amendments will introduce several important changes to better serve and protect Delawareans. Changes include, but are not limited to, updates to the definitions section, AED/SAED deployment guidelines, and additional technical changes to bring the regulation into compliance with the *Delaware Administrative Code Style Manual*.

Copies of the proposed regulation are available for review in the June 1, 2025, 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 July 1, 2025. 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

**\*Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del. C. Ch. 104, is available at:**

**<https://regulations.delaware.gov/register/june2025/proposed/28 DE Reg 849RFA 06-01-25.pdf>**

#### 4303 Automatic External Defibrillation

### 1.0 Purpose

1.1 This regulation establishes:

- 1.1.1 The criteria for administering semi-automatic external cardiac defibrillation by the ~~general~~ public in the pre-hospital environment.
- 1.1.2 The State Emergency Medical Director's standards and training requirements for authorized semi-automatic external defibrillation equipment throughout the State of Delaware.
- 1.1.3 The procedures to assure quality assurance and uniform data collection.

## 2.0 Authority

This regulation is ~~written and~~ promulgated by the Delaware Department of Health and Social Services pursuant to 16 ~~Del.C. Chapter Ch.~~ 9705 and 16 ~~Del.C. Chapter Ch.~~ 30C.

## 3.0 Definitions

The following words and terms, when used in this regulation, have the following meaning:

**"AED"** means ~~an automated external defibrillator, which is a device capable of: (1) analyzing cardiac rhythm, (2) determining the need for defibrillation, (3) automatically charging, and (4) advising a provider to deliver an electrical impulse or automatically deliver an impulse to restore the sudden cardiac arrest victim to a normal sinus rhythm.~~

**"CPR"** means ~~Cardiopulmonary Resuscitation~~ cardiopulmonary resuscitation.

**"Delaware Early Defibrillation Program"** means ~~a coordinated program provides early access to defibrillation for individuals experiencing sudden cardiac arrest using automated external defibrillation and related care.~~

**"Early defibrillation service"** means ~~a person or agency who is registered to provide care to victims of cardiac arrest, who wishes to employ or retain personnel within their organization who are trained in the use of automated external defibrillation and related care.~~

**"Emergency Medical Service" or "EMS"** means ~~an ambulance, paramedic or prehospital service that provide urgent prehospital treatment and stabilization for serious illness or injuries and transport to definitive care facilities.~~

**"FDA"** means ~~Federal the~~ Food and Drug Administration ~~of the U.S. federal government.~~

**"First Responder Team responder team"** means ~~an organized group of individuals within a Public Access Defibrillation public access defibrillation agency designated by that agency to respond to emergency situations.~~

**"Office or OEMS" "Office" or "OEMS"** means ~~the Delaware State Office of Emergency Medical Services Services.~~

**"SAED"** means ~~Semi-Automatic External Defibrillator. A a semi-automatic external defibrillator, an electronic device capable of, of: (1) analyzing cardiac rhythm, (2) determining the need for defibrillation, (3) automatically charging, and (4) advising a provider to deliver an electrical impulse to restore the sudden cardiac arrest victim to a normal sinus rhythm.~~

**"Service"** means ~~an organization that provides an early defibrillation program.~~

**"Service Coordinator coordinator"** means ~~the appointed possessor of an SAED who coordinates the agency's Early Defibrillation Program an organization's early defibrillation program.~~

**"State Coordinator"** means ~~the Director of the State Office of Emergency Medical Services appointee who administers the Early Defibrillation Program at the state level.~~

**"State Medical Director"** means ~~the State Office of Emergency Medical Services State EMS Medical Director who provides medical control supervision and quality control for the Delaware Early Defibrillation Program.~~

**"The Board"** means ~~the Delaware Board of Medical Licensure and Discipline.~~

## 4.0 General Provisions

- 4.1 This regulation applies to any organization or ~~individuals~~ individual participating in the Delaware Early Defibrillation Program.



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- 4.2 The OEMS, or its designee, shall retain the right to inspect any ~~Early Defibrillation Service's state~~ early defibrillation service's State funded defibrillation equipment or any records or documentation associated with that agency's ~~Early Defibrillation Program~~ early defibrillation program.
- 4.3 ~~Semi-Automated External Defibrillators~~ Automated or semi-automated external defibrillators are classified as medical devices by the Delaware Board of Medical Licensure and Discipline.
- 4.4 ~~SAED manufacturers,~~ AED manufacturers and their representatives or agents are required to notify the OEMS of the sale and placement of an SAED within the State of Delaware.
- 4.5 The OEMS shall be responsible for notifying the jurisdictional public safety answering point of the placement of an ~~SAED~~ AED/SAED within the boundaries of their ~~jurisdiction~~ jurisdiction.
- 4.6 ~~SAED Providers, SAED agencies and SAED~~ AED/SAED providers, agencies, and training organizations have limited immunity protection as specified in ~~Chapter 14~~ Section 11.0 of this regulation.

**5.0 Eligibility**

- 5.1 Any individual, agency, school, ~~organization~~ organization, or business, within the State of Delaware is eligible to become an ~~Early Defibrillation Service~~ early defibrillation service.
- 5.2 Any agency, school, ~~organization~~ organization, or business from another state operating within the State of Delaware, is eligible to become an ~~Early Defibrillation Service~~ early defibrillation service as approved by the State Emergency Medical Services Medical Director.

**6.0 Early Defibrillation Service Requirements**

- 6.1 Agencies, schools, ~~corporations~~ corporations, or businesses desiring to provide ~~Early Defibrillation Services~~ early defibrillation services must make application to the OEMS prior to implementation of the program.
- 6.2 Information to be provided with the application package shall include:
- 6.2.1 The OEMS approved application; and
- 6.2.2 Other information as required by the OEMS.
- 6.3 Responsibility of the Service
- 6.3.1 The ~~Service~~ service shall:
- 6.3.1.1 Appoint a ~~Service Coordinator~~ service coordinator to act as a liaison between the ~~Service~~ service and the State Coordinator.
- 6.3.1.2 Notify the OEMS of changes of any information contained in the original application within 14 days of the changes. This includes changes in the ~~Service Coordinator~~ service coordinator or changes in equipment or operational procedure.
- 6.3.1.3 Ensure defibrillators used by the service are of the type specified by this regulation.
- 6.3.1.4 Supply appropriate resources to providers to assure the capability to comply with the reporting procedures required under this regulation.

**7.0 State Coordinator Responsibilities**

- 7.1 A State Coordinator shall:
- 7.1.1 Be appointed by the State EMS Director.
- 7.1.2 Act as a liaison between the OEMS and the recognized training agencies, services, ~~providers~~ providers, and medical facilities.

**8.0 Service Coordinator**

A Service Coordinator ~~will~~ shall have successfully completed an SAED training course.

**9.0 Early Defibrillation Provider Requirements**

- 9.1 Guidelines for the validation of credentials of ~~Early Defibrillation Providers~~ early defibrillation providers are established by the Board of Medical Licensure and Discipline.
- 9.2 Individuals requesting validation as an ~~Early Defibrillation Provider~~ shall: early defibrillation provider shall apply for AED/SAED training through a training agency recognized by the OEMS.
- 9.2.4 ~~Apply for SAED training through an SAED training agency recognized by the OEMS.~~

## 10.0 Defibrillation Equipment

- 10.1 Defibrillators acceptable for use in the State of Delaware ~~will~~ shall:
  - 10.1.1 Be FDA approved;
  - 10.1.2 Be of the ~~semi-automatic~~ automated type requiring no provider intervention to deliver an electrical impulse, or be of the semi-automated type requiring provider intervention to initiate a defibrillation shock or other device as an electrical impulse approved by the State EMS Medical Director; Director.
  - 10.1.3 ~~Be capable of automatically collecting data;~~
  - 10.1.4 ~~Be capable of producing a printed summary report as approved by the State EMS Medical Director.~~
  - 10.1.5 ~~SAED's utilizing alternate waveform technologies are approved for use provided that the treatment algorithm has been approved by the FDA.~~
- 10.2 Defibrillation Equipment Modification
  - 10.2.1 No modifications are to be made to defibrillation equipment, by a provider ~~on~~ in the service, which results in:
    - 10.2.1.1 Deviation from the original manufacturer's specification; or
    - 10.2.1.2 Deviation from Early Defibrillation Program protocols.
  - 10.2.2 Defibrillation ~~Protocol~~ protocol changes may only be authorized by the State EMS Medical Director.
  - 10.2.3 Necessary defibrillator modifications shall be coordinated by the ~~Service Coordinator~~ service coordinator.
  - 10.2.4 Defibrillator preventive maintenance will be maintained in accordance with manufacturer's recommendations.
- 10.3 Financial ~~Responsibility~~ Responsibility.
  - 10.3.4 Purchase of ~~SAED~~ AED/SAED units, electrodes or pads, data collection ~~hardware/software~~ hardware/software, and any required inspections, ~~repairs~~ repairs, or replacement parts shall be the sole responsibility of the service.

## 11.0 Provisions of Limited Immunity Protections

Persons using an ~~SAED~~ AED/SAED in attempt to resuscitate another person have limited immunity protection under 16 ~~Del.C. Chapter~~ Ch. 3005C.

## 12.0 ~~SAED~~ AED/SAED Deployment Guidelines

- 12.1 ~~SAEDs~~ AEDs/SAEDs are to be used in cases of cardiac arrest and in accordance with manufacturer's guidelines only.
- 12.2 ~~SAED~~ AED/SAED providers shall follow the most current American Heart Association/Emergency ~~Cardiac Association's~~ Emergency Cardiovascular Care Committee guidelines ~~and/or~~ and additional guidelines as promulgated by the State EMS Medical Director.
- 12.3 EMS and ~~First Responder Agencies~~ first responder agencies must transport to the closest appropriate medical facility when a paramedic unit has not arrived on the scene.
  - 12.3.4 EMS and ~~First Responder~~ first responder agencies must contact medical control while enroute for additional orders.

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- 12.4 ~~Non-EMS/First Responders~~ Non-EMS/first responders must continue CPR and repeat rhythm analysis until EMS arrives.
- 12.4.1 ~~Non-EMS/First Responders must re-contact 911 assuring~~ Non-EMS/first responders must redial 911 until confirmation that help is on the way is established.
- 12.5 ~~Complete the SAED download data management form.~~ the public access AED use report as follows:
- 12.5.1 ~~For non-EMS/First Responders~~ Non-EMS/first responders without download capabilities: capabilities shall complete the public access AED use report and restock the AED/SAED. The AED/SAED shall be placed back in service and ready for use.
- 12.5.1.1 ~~Turn the SAED over to the responding EMS agency for data download.~~
- 12.5.1.2 ~~After the data has been downloaded and printed out have the EMS agency return the SAED to the owner agency.~~
- 12.5.1.3 ~~Send a hard copy of all data downloads to the State AED Coordinator.~~
- 12.5.2 Non-EMS/first responders with download capabilities shall complete the public access AED use report, download/print the AED report, and send a copy of all the data to the State AED coordinator.
- 12.5.3 EMS/first responders shall include all AED data in the patient care/police documentation. Police and correction agencies shall forward all AED documentation to the State Coordinator.
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## DIVISION OF PUBLIC HEALTH

Statutory Authority: 16 Delaware Code, Section 122(3)u.1 (16 **Del.C.** §122(3)u.1)  
16 **DE Admin. Code** 4458

### PUBLIC NOTICE

#### 4458 State of Delaware Food Code Regulations

Pursuant to 16 **Del.C.** §122(3)u.1, The Department of Health and Social Services, Division of Public Health, Health Systems Protection Section, is proposing revisions to the regulations governing the State of Delaware Food Code (16 **DE Admin. Code** 4458).

The proposed amendments will introduce several important changes to better serve and protect Delawareans. Changes include, but are not limited to, the adoption of the United States Public Health Service 2022 Food Code and additional technical changes to bring the regulation into compliance with the *Delaware Administrative Code Style Manual*.

Copies of the proposed regulation are available for review in the June 1, 2025 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 July 1, 2025. 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

**\*Please Note:**

(1) The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:

<https://regulations.delaware.gov/register/june2025/proposed/28 DE Reg 853RFA 06-01-25.pdf>

(2) Due to the size of the proposed regulation, it is not being published here. A copy of the regulation is available at:

<https://regulations.delaware.gov/register/june2025/proposed/28 DE Reg 853 06-01-25.htm>

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**DIVISION FOR THE VISUALLY IMPAIRED**

Statutory Authority: 29 Delaware Code, Sections 7903(9) and 7929(a) (29 **Del.C.** §§7903(9) and 7929(a))

16 **DE Admin. Code** 9101

**PUBLIC NOTICE**

**9101 Rules and Regulations of the Statewide Contracts to Support Employment for Individuals with Disabilities**

Pursuant to 29 **Del.C.** §§7903(9) and 29 **Del.C.** 7929(a), the Department of Health and Social Services, Division for the Visually Impaired is proposing revisions to the Rules and Regulations of the Statewide Contracts to Support Employment for Individuals with Disabilities (16 **DE Admin. Code** 9101).

The proposed amendments will introduce several important changes to better serve and protect Delawareans. Technical changes are proposed to bring the regulation into compliance with the *Delaware Administrative Code Style Manual*.

Copies of the proposed regulation are available for review in the June 1, 2025 issue of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Division for the Visually Impaired at 302-255-9800.

Public comments will be accepted until 4:30 PM on July 1, 2025. Comments will be accepted in written form via email to [InfoDVI@delaware.gov](mailto:InfoDVI@delaware.gov) or by U.S. mail to the following address:

Deborah Talley, Director  
Division for the Visually Impaired  
1901 North Dupont Highway  
New Castle, DE 19720

**\*Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del. C. Ch. 104, is available at:**

<https://regulations.delaware.gov/register/june2025/proposed/28 DE Reg 854RFA 06-01-25.pdf>

**9101 Rules and Regulations of the Statewide Contracts to Support Employment for Individuals with Disabilities**

**1.0 General Provisions**

- 1.1 The name of this entity is the Commission for Statewide Contracts to Support Employment for Individuals with Disabilities ("Commission").
- 1.2 The mailing address of the Commission is the Biggs Building, 1901 North DuPont Highway, New Castle, Delaware 19720, and the telephone number is 302-255-9800.
- 1.3 The Commission shall assure an expanded and constant market for products and services of individuals with disabilities. To that end, the Commission will approve proposed contracts and set the price of all products ~~manufactured~~ and services provided by ~~Delaware Industry for the Blind ("DIB") or~~

any community rehabilitation program (~~GRP~~) (“CRP”) that are being offered to a State agency as defined in 16 **Del.C.** Ch. 96.

- 1.4 The Officers of the Commission shall be a Chair (~~appointed by the Governor~~) appointed by the Governor and a Vice-Chair (~~elected by the members of the Commission~~) elected by the members of the Commission.
- 1.5 The Chair shall preside at all meetings of the Commission. The Chair shall be the only person authorized to make public announcements for the Commission. The Chair may request from the head or administrator of any ~~state~~ State agency, as defined in 16 **Del.C.** Ch. 96, to provide information necessary to enable the Commission to carry out its duties pursuant to the same chapter. The Chair shall also appoint members to all subcommittees of the Commission. The Chair shall designate members of the Commission to represent the Commission ~~upon~~ at all affiliated associations, committees, and organizations; at meetings; and the like. The Chair may also appoint non-Commission members to any subcommittee where ~~he/she~~ the Chair deems the person's experience will assist that subcommittee with its responsibilities.
- 1.6 The Vice-Chair shall be vested with all powers and shall perform all the duties of the Chair in ~~his/her~~ the Chair's absence or disability, to the extent which may be permitted by law, and the Vice-Chair shall perform ~~such~~ other duties as may be prescribed from time to time by the Commission.
- 1.7 The Director of the Division for the Visually Impaired (~~Director~~) (“Director”) shall provide administrative support services to the Commission. The Director will designate someone to provide administrative assistance at all Commission and all subcommittee ~~meetings and meetings~~, shall record the proceedings of the ~~meetings~~ meetings, and shall be responsible for creating the minutes of each meeting. The Director shall give proper notice of all meetings of the Commission and of all of the subcommittees.
- 1.8 The Director shall supervise and direct the execution of all policies, orders, and resolutions of the Commission as may be required of ~~him/her~~ the Director by the Commission.
- 1.9 The Commission shall be composed of ~~the following serving, voting members or their designees pursuant to 16 Del.C § 9603(b), serving at the pleasure of the Governor, as voting members with a majority of members present to rule when voting; voting.~~
  - 1.9.1 ~~Director of Government Support Services or a designee;~~
  - 1.9.2 ~~Director of the Division of Vocational Rehabilitation or a designee;~~
  - 1.9.3 ~~Secretary of Finance or a designee;~~
  - 1.9.4 ~~Three public members, which shall include at least one person with a disability or a family member of an individual who is 14 years of age or older and has a disability, who are appointed by the Governor;~~
  - 1.9.5 ~~The Chair, who shall be appointed by the Governor;~~
  - 1.9.6 ~~Non-voting members who shall consist of the following:~~
    - 1.9.6.1 ~~A representative of an industry that employs persons with disabilities, appointed by the Governor;~~
    - 1.9.6.2 ~~The Director of the Delaware Association of Rehabilitation Facilities, Inc. (d/b/a A.N.D.) or its successor; and~~
    - 1.9.6.3 ~~The Director of the Division for the Visually Impaired.~~
- 1.10 Members of the Commission shall serve without compensation other than reimbursement for expenses actually incurred in connection with the work of the Commission, and for travel expenses when away from their homes or regular places of business. Reimbursement must be requested and approved in writing by the Chair.
- 1.11 There are no set terms for the members of the Commission.

## **2.0 Meetings**

- 2.1 The Commission shall meet once each month; provided, however, that either the Chair or a majority of a quorum present at any such meeting may postpone or change the date of the next monthly meeting.

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- 2.2 A special meeting of the Commission may be called at any time by the ~~Chair~~. Chair, with notice as required by 29 Del.C. §10004(e)(4).
- 2.3 ~~A written notice of each regular meeting of the Commission shall be electronically transmitted by the Director of the Division for the Visually Impaired or his/her designee to each member of the Commission at least seven (7) days prior to the date of such regular meeting. Notice shall be electronically transmitted by the Director of the Division for the Visually Impaired or his/her designee to each member of the Commission at least two (2) days prior to the date of any special meeting which may be duly called, as aforesaid. Director of the Division for the Visually Impaired will cause the Notice and Agenda for each regular and special meeting to be electronically transmitted to the members of the Commission when the Notice and Agenda are posted.~~
- 2.4 A majority of the voting members of the Commission shall constitute a quorum for the transaction of business. Pursuant to 16 Del.C. §9603(j), members of the Commission may participate in a meeting of the Commission by means of conference telephone or other communications equipment by which all persons participating in the meeting can hear each other. Participating in the meeting in this manner shall constitute presence in person at the meeting.
- 2.5 No meeting of the Commission shall be only telephonic. There will be at least ~~one~~ 1 voting member present in the physical location where the public may attend in person pursuant to 29 Del.C. § 10006A(c)(2).
- 2.6 All Commission meetings shall offer the public the ability to attend the meeting ~~telephonically through electronic means of communication by including a toll free number~~ this information in its public notices.
- 2.7 It shall be the duty of the members of the Commission to attend the meetings of the Commission so as to take part in its deliberations. If any appointed member fails to attend ~~three~~ 3 successive meetings of the Commission without good and valid ~~cause or excuse or~~ cause, excuse, without leave of absence from the Chair, or if the Chair for any cause cannot act, from the Vice Chair of the Commission, that member's office shall be declared vacant by the Commission, ~~and~~ the Chair shall notify the Governor of a vacancy on the Commission, and request that the Governor shall fill the same.
- 2.8 New Commission members shall complete an orientation session designated by the Chair.
- 2.9 All Commission members shall participate in training session as designated by the Chair.
- 2.10 At all meetings of the Commission or any subcommittee thereof, all proceedings shall be conducted in accordance with the Delaware Freedom of Information Act, 29 Del.C. Ch. 100 and the Delaware Administrative Procedures Act, 29 Del.C. Ch. 101, as applicable.

## 3.0 Conflicts of Interest

- 3.1 Any member of the Commission or subcommittee member having an interest in a matter presented to or being considered by the Commission or a subcommittee for recommendation, authorization, approval or ratification, ~~shall~~ must give prompt, ~~full~~ full, and frank disclosure of ~~his or her~~ the member's interest to the Commission or subcommittee ~~and the Public Integrity Commission ("PIC")~~ prior to its acting on such matter. ~~The body to which such disclosure is made~~ The PIC shall thereupon determine ~~by majority vote in accordance with 29 Del.C. Ch. 58~~, whether the disclosure shows that a conflict of interest exists or can reasonably be construed to exist.
- 3.2 If the ~~body to which the disclosure is made~~ PIC determines that a conflict exists, the person regarded as having the conflict shall not vote on, nor use ~~his or her~~ the person's personal influence on, nor participate ~~(other than to present factual information or to respond to questions)~~ in the discussions or deliberations with respect to ~~such matter~~ the matter, other than to present factual information or to respond to questions. ~~Such~~ This person may not be counted in determining the existence of a quorum for the portion of the meeting where the matter that includes the conflict is under discussion or is being voted upon. The minutes of the meeting shall reflect the disclosure made, the vote thereon, and where applicable, the abstention from voting and participation, and whether a quorum was present.

## 4.0 Order of Business

- 4.1 The order of business at all regular meetings of the Commission shall be as follows:

- 4.1.1 Call to Order;
  - 4.1.2 Approval of ~~Minutes of Previous Meeting(s)~~ minutes of previous meetings;
  - 4.1.3 Old Business;
  - 4.1.4 New Business;
  - 4.1.5 Report of the Chair;
  - 4.1.6 ~~Report(s) of the Subcommittee(s)~~ Reports of the subcommittees;
  - 4.1.7 Other ~~Report(s)~~ reports;
  - 4.1.8 Public ~~Comment(s) or Presentation(s)~~ comments or presentations; and
  - 4.1.9 ~~Adjournment~~; Adjournment.
- 4.2 The Chair shall have the authority to deviate from the order of business as the circumstances warrant.
- 4.3 Members of the public may speak only during the time that has been designated as “public comment/presentation” under the agenda and only after they have been recognized by the Chair. Members of the public may also speak outside this designated time period but only with the permission of the Chair. Presentations by members of the public shall be limited to ~~five (5)~~ 5 minutes, unless otherwise approved by the Chair. Speakers are requested to give their presentations in the order of sign in. The Chair may limit the number of public speakers heard, as circumstances warrant.

## **5.0 Subcommittees**

- 5.1 The subcommittees of the Commission shall be as follows:
- 5.1.1 The Regulations Subcommittee; and
  - 5.1.2 Central Non-Profit Agency ~~(CNA)~~ (“CNA”) Subcommittee.
- 5.2 In December of each year, the Chair shall review the composition of each of the subcommittees, shall make appointments ~~and/or~~ and reassign members of the Commission to each of the subcommittees, as needed and permitted by law, and shall name a Chair of each of the subcommittees to serve for the following calendar year. Each member of the Commission shall participate actively in the work of ~~one~~ 1 of the subcommittees. Non-members of the Commission may be appointed by the Chair pursuant to subsection 1.5 of ~~these regulations~~ this regulation. Those appointed non-members shall count towards the quorum of that subcommittee and shall have a vote in any matter before the subcommittee. Quorum for any subcommittee shall be a majority of that subcommittee’s members.
- 5.3 The Chair may appoint special or ad hoc committees at any time and from time to time.
- 5.4 The Regulations Subcommittee shall review and revise, when appropriate, the Commission’s Regulations to ensure that they are compliant with the Commission’s purpose and statutory authority. It will review any recommendations made regarding the regulations.
- 5.5 The CNA Subcommittee shall develop the competitive solicitation for the selection of any central non-profit agency for the provision of set-aside services or the production and distribution of set-aside commodities. In addition, the subcommittee shall review the performance of the CNAs as well as review and respond to any complaint filed against a CNA with the Commission. The subcommittee will present its findings and recommendations on any complaint to the Commission.

## **6.0 Annual Report**

- 6.1 Not later than 90 days following the close of each State fiscal year, the Commission shall transmit to the Governor and to the General Assembly a report ~~in a format as required by law or executive order~~. ~~The report that~~ shall include the names of the Commission members serving the preceding fiscal year, the dates of the Commission meetings in that year, a description of its activities during that year, and any recommendations for changes in the law which the Commission might suggest.
- 6.2 The Chair may designate the initial drafting of the Annual Report to an ad hoc committee and the Commission shall vote on the final draft prior to its issuance to the Governor and General Assembly.

## **7.0 Amendments**



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- 7.1 ~~At any time, anyone, whether a Commissioner~~ A Commission member or member of the public, who at any time wishes to propose amendments to ~~these regulations~~ this regulation shall send such proposal in writing to the Chair of the Regulations Subcommittee Subcommittee, who will present the proposal to the subcommittee for their review and consideration.
- 7.2 A copy of any proposed ~~amendment(s)~~ amendments of ~~these regulations~~ this regulation as recommended by the ~~subcommittee~~ Regulations Subcommittee shall be forwarded by electronic transmittal to each member of the Commission at least ~~ten (10)~~ 10 days prior to the meeting of the Commission at which it is to be presented and acted upon, together with a written notice of the date, hour, and place of ~~such~~ the meeting.
- 7.3 Any amendments of ~~these regulations~~ this regulation must first be adopted by affirmative vote of two-thirds of the seated voting members of the Commission before the same shall become effective.
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## DIVISION FOR THE VISUALLY IMPAIRED

Statutory Authority: 29 Delaware Code, Sections 7903(9) and 7929(a) (29 **Del.C.** §§7903(9) and 7929(a))  
16 **DE Admin. Code** 9102

### PUBLIC NOTICE

#### 9102 Regulations for Set Aside Contracts

Pursuant to 29 **Del.C.** §§7903(9) and 7929(a), the Department of Health and Social Services, Division for the Visually Impaired is proposing revisions to the Regulations for Set Aside Contracts (16 **DE Admin. Code** 9102).

The proposed amendments will introduce several important changes to better serve and protect Delawareans. Technical changes are proposed to bring the regulation into compliance with the *Delaware Administrative Code Style Manual*.

Copies of the proposed regulation are available for review in the June 1, 2025 issue of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Division for the Visually Impaired at 302-255-9800.

Public comments will be accepted until 4:30 PM on July 1, 2025. Comments will be accepted in written form via email to [InfoDVI@delaware.gov](mailto:InfoDVI@delaware.gov) or by U.S. mail to the following address:

Deborah Talley, Director  
Division for the Visually Impaired  
1901 North Dupont Highway  
New Castle, DE 19720

#### \*Please Note:

(1) The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:

<https://regulations.delaware.gov/register/june2025/proposed/28 DE Reg 858RFA 06-01-25.pdf>

(2) Due to the size of the proposed regulation, it is not being published here. A copy of the regulation is available at:

<https://regulations.delaware.gov/register/june2025/proposed/28 DE Reg 858 06-01-25.htm>

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## DEPARTMENT OF LABOR DIVISION OF PAID LEAVE

Statutory Authority: 19 Delaware Code, Section 105 (19 **Del.C.** §105)  
19 **DE Admin. Code** 1401

### 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") proposes to introduce regulations concerning the establishment of the Healthy Delaware Families Act ("Act") and to set forth definitions, guidance, procedures, and standards for the implementation of the Act and its Family and Medical Leave Insurance Program ("PFML Insurance Program"). The Division of Paid Leave ("Division"), a separate division within the Department, is established and will administer the Act, Program, and this regulation.

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  
248 Chapman Road, Suite C  
Newark, DE 19702

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, 2025. 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.

#### **Background**

The Department is authorized by the General Assembly of the State of Delaware, to establish rules and regulations for the administration of the Act. Administering this Act is accomplished with the establishment of the Division, PFML Insurance Program, and the Family and Medical Leave Insurance Appeal Board ("Board"). The Department is further authorized to adopt and promulgate rules and regulations not inconsistent with Title 19 or of any other law of the State; provided, however that no such rule or regulation shall extend, modify, or conflict with any law of this State or the reasonable implications thereof; and provided further, that such rules and regulations, as established by the Department, shall focus primarily on the Act, PFML Insurance Program, and Board.

#### **Summary of Proposal**

The proposed amendments simplify the program's existing rules and were in most instances, requested by employers, third party administrators, or the program's system developers. The proposed amendments are also intended to minimize and simplify the compliance and reporting standards

#### **Statutory Authority 19 Del.C. §105.**

19 **Del.C.** §105 enables the Delaware Department of Labor to adopt and promulgate rules and regulations consistent 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.

**\*Please Note:**

(1) The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:

<https://regulations.delaware.gov/register/june2025/proposed/28 DE Reg 859RFA 06-01-25.pdf>

(2) Due to the size of the proposed regulation, it is not being published here. A copy of the regulation is available at:

<https://regulations.delaware.gov/register/june2025/proposed/28 DE Reg 859 06-01-25.htm>

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**DEPARTMENT OF SAFETY AND HOMELAND SECURITY****OFFICE OF THE MARIJUANA COMMISSIONER**

Statutory Authority: 4 Delaware Code, Section 1331 (4 Del.C. §1331)  
4 DE Admin. Code 5001

**PUBLIC NOTICE****5001 Rules of the Office of the Marijuana Commissioner****Summary**

Pursuant to 4 Del.C. § 1331, the Office of the Marijuana Commissioner proposes to amend its Regulations. The purpose of the proposed regulations is to update and correct inaccurate Delaware Code references relating to criminal background checks and allow the Commissioner discretion to deny a license based on the results of the criminal background checks, and to update the serving size information for marijuana beverages.

**Comments**

The Office of the Marijuana Commissioner will accept written comments, which should be sent to Taylor Shannon, Delaware Office of the Marijuana Commissioner, 1128 South Bradford Street, Dover, DE 19904. Written comments may also be sent by email to [OMC@delaware.gov](mailto:OMC@delaware.gov).

In accordance with 29 Del.C. §10118(a), the final date to receive written comments will be August 1, 2025. Following the review of the public comment, the Office of Marijuana Commissioner will determine whether to adopt the proposed rules as originally published or make additional changes because of the public comments received.

**\*Please Note:**

(1) The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:

<https://regulations.delaware.gov/register/june2025/proposed/28 DE Reg 860RFA 06-01-25.pdf>

(2) Due to the size of the proposed regulation, it is not being published here. A copy of the regulation is available at:

<https://regulations.delaware.gov/register/june2025/proposed/28 DE Reg 860 06-01-25.htm>

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## POLICE OFFICER STANDARDS AND TRAINING COMMISSION

Statutory Authority: 11 Delaware Code, Section 8404(a)(14) (11 **Del.C.** §8404(a)(14))  
1 DE Admin. Code 801

### PUBLIC NOTICE

#### 801 Regulations of the Delaware Council on Police Training

The Police Officer Standards and Training Commission (POST), formerly the Council on Police Training (COPT), pursuant to 11 **Del. C.** 8404 (a)(14), proposes to amend 801 Regulations of the Delaware Council on Police Training. The proposed amendments, which were voted on during a public meeting of the COPT on April 6, 2025, seek to modify requirements regarding the number of qualification shoots for less lethal weapons and the number of rounds to be used for shotgun qualifications. The amendments also replace references to COPT with POST.

The POST will allow for the submission of written comments, suggestions, or other materials regarding the proposed rules to the POST Attn: Amishia Bucknor, POST Administrator, 1128 S. Bradford Street, Dover, DE 19901 or e-mail [ameshia.bucknor@delaware.gov](mailto:ameshia.bucknor@delaware.gov). Any written submission in response to this notice and the relevant proposed regulations must be received by the COPT no later than 4:30 p.m. (EST) on July 1, 2025. 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).

### DECISION AND ORDER CONCERNING THE REGULATIONS

NOW THEREFORE, under the statutory authority and for the reasons sent forth above, the POST does hereby ORDER that the regulations be, and that they hereby are, proposed to be enacted as set forth below.

Joshua Bushweller, Chairman POST

#### \*Please Note:

(1) The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:

<https://regulations.delaware.gov/register/june2025/proposed/28 DE Reg 861RFA 06-01-25.pdf>

(2) Due to the size of the proposed regulation, it is not being published here. A copy of the regulation is available at:

<https://regulations.delaware.gov/register/june2025/proposed/28 DE Reg 861 06-01-25.htm>

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## STATE BUREAU OF IDENTIFICATION

Statutory Authority: 11 Delaware Code, Section 8572(f) (11 **Del.C.** §8572(f))

### PUBLIC NOTICE

#### Firearms Transaction Approval Program Regulations

The Delaware State Bureau of Identification, pursuant to 11 **Del.C.** §8572(f), proposes regulations to enforce and administer the Firearms Transaction Approval Program.

The Agency will accept written comments, which should be sent to the Director of SBI, 600 S. Bay Road, Dover, DE 19901. Written comments may also be sent by email to the following email address: [DSP\\_FTAP\\_Appeals@delaware.gov](mailto:DSP_FTAP_Appeals@delaware.gov). The Public Comment period will end on Thursday, July 3, 2025.

**\*Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del. C. Ch. 104, is available at:**

<https://regulations.delaware.gov/register/june2025/proposed/28 DE Reg 861aRFA 06-01-25.pdf>

### **Firearms Transaction Approval Program Regulations**

#### **1.0 Authority and Purpose**

- 1.1 Pursuant to 11 Del.C. §8572(f), the State Bureau of Identification promulgates this regulation which shall have the force and effect of law in the counties, cities, and political sub-divisions of this State.
- 1.2 This regulation is compliant with the Federal Brady Act.
- 1.3 This regulation, in conjunction with statutory authority found in Chapter 85 of Title 11 of the Delaware Code, establishes Delaware as a Point of Contact State for the National Instant Criminal Background Check System.
- 1.4 The purpose of this regulation is to enforce the required background checks for the lawful sale, transfer, or delivery of firearms under federal and Delaware law. The Firearms Transaction Approval Program will also make eligibility determinations, communicate with FFLs and NICS, and process denial challenges as well as appeals.

#### **2.0 Definitions**

The following words and terms, when used in this regulation, have the following meaning:

"ATF" means the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

"ATF 4473 Form" means the form used by FFLs to determine whether the FFL may lawfully sell or deliver a firearm to the prospective buyer.

"Federal Firearms Licensee" or "FFL" means a person licensed by the federal ATF as a manufacturer, importer, or dealer of firearms.

"Firearm" means any weapon from which a shot, projectile, or other object may be discharged by force of combustion, explosive, gas, or mechanical means, whether operable or inoperable, loaded or unloaded, the frame or receiver of any such weapon, any firearm muffler or firearm silencer, or any destructive device.

"Firearms Transaction Approval Program" or "FTAP" means the Delaware State Police Firearms Transaction Approval Program established by 11 Del.C. Ch. 85, Subchapter VI.

"NICS" means the National Instant Criminal Background Check System.

"NICS POC" means a point of contact for the National Instant Criminal Background Check System.

"NICS POC Guidelines" means the guidelines established and published by the federal government for the operation and implementation of the NICS program by a POC agency.

"Prospective buyer" means a person who intends to purchase a firearm and includes a prospective transferee.

"Prospective seller" means a person who intends to sell a firearm and includes a prospective transferor.

"State Transaction Number" means a number assigned to a specific transaction.

"Transfer" means assigning, pledging, leasing, loaning, giving away, or otherwise disposing of, but does not include any of the following:

- The loan of a firearm for any lawful purpose, for a period of 14 days or less, by the owner of the firearm to a person known personally to the owner.
- A temporary transfer for any lawful purpose that occurs while in the continuous presence of the owner of the firearm, if the temporary transfer does not exceed 24 hours in duration.
- The transfer of a firearm for repair, service, or modification to a licensed gunsmith or other person lawfully engaged in these activities as a regular course of trade or business.

- A transfer that occurs by operation of law or because of the death of a person for whom the prospective transferor is an executor or administrator of an estate or a trustee of a trust created in a will.

"Transferee" means a person who receives a firearm by way of transfer.

## **3.0 General Procedures**

- 3.1 FFLs must contact FTAP to receive authorization to sell, or facilitate the transfer of, a firearm by telephone or electronic request.
  - 3.1.1 A toll-free telephone number is operational between the hours of 9:00am and 9:00pm Monday through Saturday, 9:00am and 5:00pm on Sundays, except on the following holidays: Thanksgiving Day, Christmas Day, Good Friday, and Easter Sunday.
  - 3.1.2 An internet-based portal is available to make electronic requests.
    - 3.1.2.1 The FFL may enroll at <https://ftap.delaware.gov/enroll> and provide necessary identification information.
    - 3.1.2.2 The FFL primary account must be reviewed by the FTAP before being approved. FTAP may contact the FFL using the provided information to verify the identity and authority of the FFL enrolling for access.
    - 3.1.2.3 Once the FFL primary account is approved, the FFL may create multiple secondary accounts for employees, administrative staff, and kiosk terminals.
    - 3.1.2.4 FTAP must review and approve employee and secondary administrator accounts in compliance with applicable State laws before each account becomes active.
    - 3.1.2.5 Every FFL employee must use unique log on credentials.
    - 3.1.2.6 FFLs must submit and maintain current file of employee's name, date of birth, and social security number for a criminal background check to obtain access to the system upon initial employment and annually thereafter. This can be completed either by telephone or by e-mail utilizing ATF Form #544-A.
    - 3.1.2.7 Employee lists are confidential; however, the lists must be open for inspection by FTAP at the place of business during regular business hours.
    - 3.1.2.8 When an employee resigns, is terminated, or in some manner becomes a person prohibited, the FFL must contact FTAP within 3 days by telephone or by e-mail informing FTAP the employee is no longer employed by the business. Once FTAP has been notified an employee is no longer employed by the FFL, FTAP will suspend the identified employee's log on privileges.
    - 3.1.2.9 Failure to comply with this regulation may result in sanctions in accordance with the Administrative Procedures Act, 29 Del.C. §§10101-10161.
- 3.2 FTAP may share information with other state or federal law enforcement agencies or the Judicial Information System when necessary to affect the FTAP goals.
- 3.3 FTAP may not maintain, longer than 6 months, any records containing the names of FFLs who have received unique approval numbers or any records of firearms transactions related to citizens who are not prohibited under 11 Del.C. §1448 or federal law.
  - 3.3.1 FTAP may retain the records described in subsection 3.3 of this regulation if it has reason to believe the prospective purchaser or transferee is committing a crime.
  - 3.3.2 FTAP will monitor record retention at regular intervals. All records that will not be maintained will be destroyed in accordance with the applicable State Archives Policies.
- 3.4 FTAP will maintain strict confidentiality and security of NICS information received from FFLs.

## **4.0 Background Check Procedures**

- 4.1 Upon receipt of a request for an FTAP background check FTAP will:
  - 4.1.1 Ensure all necessary information was provided by the FFL using the ATF 4473 Form. The necessary information includes name, driver's license number and state of issue, date of birth,

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social security number, race, address, phone number, country of citizenship, place of birth, height, weight, sex (male, female, or non-binary), ICE Number (if applicable).

4.1.1.1 If necessary information is missing, FTAP will reject the request.

4.1.1.2 The FFL may compile the missing information and refile the request.

4.1.2 Assign the request a unique State Transaction Number.

4.1.3 Collect a fee for the background check in an amount to be determined by the Superintendent of the State Police.

4.1.4 Search all available federal and local databases to determine if the prospective buyer or transferee is prohibited from possession of a firearm.

4.1.5 Compile the information from the searched databases to determine eligibility.

4.1.6 Notify the FFL that the prospective buyer or transferee is approved, denied, or delayed.

4.1.6.1 Approved. The prospective buyer or transferee is eligible.

4.1.6.1.1 FTAP will notify the FFL that the sale or transfer may proceed.

4.1.6.1.2 The FFL is not required to transfer a firearm after receiving a response that the transfer may proceed. The FFL may determine the transfer is not appropriate based on observations of the prospective buyer or transferee. If the FFL knows or has reasonable cause to believe the prospective buyer or transferee is prohibited from receiving or possessing a firearm, even after FTAP issues a proceed, the FFL may not lawfully transfer the firearm.

4.1.6.2 Denied. The prospective buyer or transferee is not eligible. FTAP will notify the FFL that the sale or transfer was denied. FTAP will not provide the FFL with the reason or reasons for the denial.

4.1.6.2.1 The FFL should give a denied prospective buyer or transferee a denial form, which will be available for printing from the web based portal, and the State Transaction Number directly linked to the denial. This denial form will inform the prospective buyer or transferee of explanation and appeal options, as outlined in Section 5.0 and Section 6.0.

4.1.6.2.2 In the alternative, the FFL may give the prospective buyer or transferee the contact information to FTAP with the State Transaction Number.

4.1.6.3 Delayed

4.1.6.3.1 In the event of an electronic failure or other emergency beyond the control of FTAP, then FTAP will immediately notify the FFL of the delay, including the reason and estimated length. FTAP will notify the FFL to provide a further response within 3 business days.

4.1.6.3.2 In the event of an investigatory delay, FTAP will notify the FFL of the delay. FTAP will provide a further response within 25 calendar days.

4.2 The FFL may not complete the transfer unless it receives an approval or more than 25 calendar days have elapsed since the background check request was submitted and the FFL has not received a denial.

## 5.0 Denial Procedures

5.1 In response to a denial, the prospective buyer or transferee may request a written explanation from FTAP within 30 calendar days of the date of the denial.

5.1.1 FTAP will accept requests for explanation by U.S. Mail to Delaware State Police FTAP, 600 S. Bay Rd, Dover, DE 19901 or by electronic mail to [DSP\\_FTAP\\_Appeals@Delaware.gov](mailto:DSP_FTAP_Appeals@Delaware.gov).

5.1.2 Any requests pursuant to subsection 5.1.1 must include the prospective buyer or transferee's name, date of birth, address, telephone number, NICS Transaction Number or State Transaction Number, date of denial, and name of FFL.

5.2 FTAP will respond to all requests for explanations within 30 days of the receipt of the request. The response will be mailed to the prospective buyer or transferee's address listed on the ATF 4473 Form.



## **6.0 Appeal Procedures**

- 6.1 A prospective buyer or transferee who received a denial may file an appeal with FTAP within 30 calendar days of receipt of the denial. FTAP will not consider appeals where jurisdiction lies elsewhere.
  - 6.1.1 FTAP will accept appeals, in writing, by U.S. Mail to Delaware State Police FTAP, 600 S. Bay Rd., Dover, DE 19901 or by electronic mail to [DSP\\_FTAP\\_Appeals@Delaware.gov](mailto:DSP_FTAP_Appeals@Delaware.gov).
    - 6.1.1.1 Upon receipt of an appeal, FTAP will thoroughly review the records which caused the denial.
    - 6.1.1.2 FTAP will advise the prospective buyer or transferee if fingerprints or additional information is necessary.
    - 6.1.1.3 The prospective buyer or transferee may request a hearing before the Director of SBI, or designee.
      - 6.1.1.3.1 The hearing will occur at the FTAP office, located at 600 S. Bay Rd., Dover, DE 19901.
      - 6.1.1.3.2 The prospective buyer or transferee may be represented by legal counsel at the expense of the prospective buyer or transferee, if desired.
      - 6.1.1.3.3 If the prospective buyer or transferee wishes for the Director of SBI, or designee, to consider documentary evidence, then the documents must bear signs of authenticity, such as a raised seal or other insignia suggesting validity.
  - 6.1.2 Within 30 days of the receipt of the appeal, including any additional information, or the date of the hearing (whichever is later), the Director of SBI or designee will issue a final decision regarding the denial.
    - 6.1.2.1 Under exceptional circumstances, FTAP may extend the filing deadline for an additional 30 days. FTAP will provide the prospective buyer or transferee with notification of the extension and the exceptional circumstances causing the extension.
    - 6.1.2.2 The Director of SBI or designee's final decision will be sent in writing to the prospective buyer or transferee at the address provided on the ATF 4473 Form.
- 6.2 A prospective buyer or transferee whose appeal was denied may do the following:
  - 6.2.1 Follow the applicable process for potential corrections to the criminal history information at the originating agency, the initial agency of record, or other appropriate location.
  - 6.2.2 Appeal to the Superior Court of Delaware.
- 6.3 A prospective buyer or transferee whose appeal is successful may return to the FFL to follow the procedures set forth in Section 4.0.
- 6.4 In the event of a successful appeal related to inaccurate information, FTAP will communicate with the entity from which it received the disqualifying information.
  - 6.4.1 FTAP will ask the entity to amend its records to reflect accurate information.
  - 6.4.2 FTAP will ask the entity to destroy any records containing erroneous information.
  - 6.4.3 FTAP will destroy any of its own records containing erroneous information.
  - 6.4.4 FTAP will submit a NICS Deny Overturn (NDO) message to NICS.
  - 6.4.5 FTAP will notify the prospective buyer or transferee in writing.

## **7.0 Transfers without Photographic Identification**

- 7.1 FTAP recognizes that a prospective buyer or transferee may be a bona fide member or adherent of an organized church or religious group which prohibits photographic identification.
- 7.2 FTAP shall facilitate transfers of firearms without photographic identification in the following way:
  - 7.2.1 The prospective buyer or transferee and prospective seller or transferor must schedule a meeting for the background check with the FTAP Director, or designee, at the FTAP offices, located at 600 S. Bay Rd., Dover, DE 19901.



# PROPOSED REGULATIONS

- 7.2.1.1    The prospective buyer or transferee and prospective seller or transferor shall bring the firearm to be transferred to the meeting with the FTAP Director, or designee, for inspection.
- 7.2.1.2    The prospective buyer or transferee must submit a signed affidavit stating that photographic identification conflicts with the tenets of an organized church or religious group of which the prospective buyer or transferee is a bona fide member.
- 7.2.1.3    The prospective buyer or transferee must submit to fingerprinting.
- 7.2.1.4    The prospective buyer or transferee must submit any additional information necessary to complete the background check as determined by FTAP.
- 7.2.2    The fee for the background check, in an amount to be determined by the Superintendent of the State Police, may be paid by the prospective buyer or transferee or the prospective seller or transferor.
- 7.2.3    FTAP will inform the prospective buyer or transferee of the results of the background check within 25 calendar days.
- 7.3    FTAP will maintain records of all background checks performed under this section to the same extent as those background checks performed under Section 4.0.

## 8.0 Investigation Procedures

- 8.1    FTAP will investigate any persons who purchase or attempt to purchase, a firearm, while being a person prohibited from receipt of possession of a firearm under 11 Del.C. §1448 or federal law.
- 8.2    FTAP will investigate any persons who willfully and intentionally make any materially false statements or who exhibit any false identification intended to deceive.
- 8.3    FTAP will investigate any FFL or employee thereof who willfully and intentionally sells or transfers a firearm in violation of 11 Del.C. §1448A.
- 8.4    FTAP will investigate any person who engages in a firearms transfer on behalf of another.
- 8.5    FTAP will investigate the status of stolen firearms purchased or received by FFLs.

## 9.0 Administrative Responsibilities

- 9.1    SBI will provide an annual report to the Senate and House Judiciary committees as required by 11 Del.C. §1448A(i).
- 9.2    The FTAP Director will incorporate FTAP information into the annual report from SBI.

## DEPARTMENT OF STATE DIVISION OF SMALL BUSINESS

Statutory Authority: 29 Delaware Code, Section 8705A (29 Del.C. §8705A)  
1 DE Admin. Code 1901

### PUBLIC NOTICE

### 1901 The STEM Talent Advancement and Retention ("STAR") Fund

In compliance with the State's Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of 29 Del.C. §8705A, the Division of Small Business ("Division") proposes to promulgate new regulations regarding criteria and procedures governing the STEM Talent Advancement and Retention Fund.

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:

Jaimie Watts  
Deputy Director  
Division of Small Business  
99 Kings Highway  
Dover, DE 19901

Comments may also be directed via electronic mail to [business\\_finance@delaware.gov](mailto:business_finance@delaware.gov). Any written submission in response to this notice and relevant to the proposed rules must be received by the above contact at the Division of Small Business no later than 4 p.m. EST, July 1, 2025.

The action concerning determination of whether to adopt the proposed regulations will be based upon the Division's consideration of the written comments and any other written materials filed by the public.

## **Statutory Authority 29 Del.C. §8705A.**

29 Del.C. §8705A enables the Division of Small Business to establish and promulgate such rules and regulations governing the administration and operation of the Division as may be deemed necessary by the Director and which are not inconsistent with the laws of the State of Delaware.

## **Background**

The STEM Talent Advancement and Retention Fund ("STAR Fund") was established pursuant to Section 37 of the Fiscal Year 2025 Grants-in-Aid Act, S.B. 327 of the 152nd General Assembly, for the purpose of incentivizing, retaining, and attracting graduates from an accredited post-secondary institution of higher education who are employed or considering employment in Delaware in the STEM fields by providing awards for reimbursement of their education loans. The STAR Fund will be administered by the Division of Small Business, a division within the Department of State. 29 Del. C. §8703A.

## **Summary of Proposal**

The proposed amendments clarify the application process and remove one of the categories of documents required to be submitted in the application process.

**\*Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del. C. Ch. 104, is available at:**

[https://regulations.delaware.gov/register/june2025/proposed/28 DE Reg 866RFA 06-01-25.pdf](https://regulations.delaware.gov/register/june2025/proposed/28%20DE%20Reg%20866RFA%2006-01-25.pdf)

## **1901 The STEM Talent Advancement and Retention ("STAR") Fund**

### **1.0 Statutory Authority and Enabling Legislation**

The STAR Fund was established pursuant to Section 37 of the Fiscal Year 2025 Grants-in-Aid Act, Senate Bill 327 of the 152nd General Assembly, which directs the Division of Small Business (the "Division") to prescribe such regulations as may be necessary to administer the STAR Fund.

### **2.0 Purpose and Intent**

- 2.1 The purpose of the STAR Fund is to incentivize, retain, and attract graduates from an accredited post-secondary institution of higher education who are employed or considering employment in Delaware in the STEM fields by providing awards for ~~reimbursement~~ assistance with payment of their higher education loans.
- 2.2 This regulation contains procedures governing the process for applying to the Division for an award under the STAR Fund and criteria for the Division's approval or disapproval of an application for an award under the STAR Fund.

### 3.0 Definitions

The following words and terms, when used in this regulation, have the following meaning:

**"Applicant"** means any individual with an associate's, bachelor's, graduate, or post-graduate degree from an accredited post-secondary institution of higher learning, with accompanying education loan repayment expenses, who is employed or has an offer of employment as a full-time employee (minimum of 35 hours per week) with a Delaware-based employer, filling a position located in the State.

**"Application"** means an application made to the Division of Small Business on ~~such~~ Division approved form or forms, together with all relevant attachments, and signed by the applicant.

**"Award"** means funding provided from the STAR Fund to applicants for the ~~reimbursement~~ assistance with payment of higher education loans.

**"Awardee"** means an applicant who has been selected by the Fund Committee to receive an award from the STAR Fund.

**"Award letter"** means a letter from the Fund Committee notifying applicants who have been selected to receive an award from the STAR Fund.

**"Division"** means the Division of Small Business created by § 8703A of Title 29 of the Delaware Code.

**"Eligibility period"** means a term of up to 4 consecutive service periods beginning on the date that an awardee receives initial notice of an award from the STAR Fund and ending at the conclusion of the fourth service period.

**"Eligible expenses"** means annual higher education loan repayment expenses, including principal, interest, and fees (excluding late fees or other penalties for late payment).

**"Fund Committee"** means the group of individuals designated by the Delaware Division of Small Business and the Delaware Center for Life Science Education and Training, including the Director of the Delaware Division of Small Business and the Executive Director of the Delaware Center for Life Science Education and Training, or their designees, to review applications and select awardees.

**"Service Period"** means 1 calendar year of education loan repayments.

**"State"** means the State of Delaware.

### 4.0 Eligibility

4.1 The applicant shall have graduated from an accredited post-secondary institution of higher learning with an associate's, bachelor's, graduate, or post-graduate degree with accompanying education loan repayment expenses.

4.2 The applicant shall be offered employment as a full-time employee (minimum of 35 hours per week) with a Delaware-based employer filling a position located in this State throughout the eligibility period. Employment must be in 1 or more of the following fields:

4.2.1 Life, natural, or environmental sciences;

4.2.2 Computer information or software technology;

4.2.3 Advanced mathematics or finance;

4.2.4 Engineering; or

4.2.5 Medical device technology.

4.3 Preference will be given to applicants who are permanent residents of the State or who attended an institution of higher education located in the State when they incurred the eligible expenses.

### 5.0 Timeline

The Fund Committee shall complete its review of the applications within 60 days from the application deadline.

### 6.0 Application Process

6.1 The application will be available through an application portal located on the Delaware Center for Life Science Education and Training's website. Every application that includes all required responses and

attachments will be reviewed and evaluated by the Fund Committee. All applicants will be notified of the Fund Committee's decision upon the conclusion of the Fund Committee's review of all applications.

**6.2 Applicants are required to submit the following documents in addition to the application:**

- 6.2.1 Employer Endorsement Form.
- 6.2.2 Resume, including applicant's current position and current employer.
- 6.2.3 Transcripts from post-secondary educational institution. Transcripts do not need to be "official" transcripts, but must include the college or university's name, student's name, course work and grades, and GPA.
- 6.2.4 ~~Twelve months of individual loan statements and proof of payment for the entire service period to prove the applicant's minimum monthly payment amount for all lenders.~~
- 6.2.5 ~~6.2.4~~ Documentation for each student loan account that includes the following information:
  - ~~6.2.5.16.2.4.1~~ Account holder information (name, address, account number).
  - ~~6.2.5.26.2.4.2~~ Loan provider information.
  - ~~6.2.5.36.2.4.3~~ Loan terms and payment schedule, including minimum required payment amount.
  - ~~6.2.5.46.2.4.4~~ Total loan amount and interest rate.
  - ~~6.2.5.56.2.4.5~~ Evidence of other loan repayment programs, if applicable, including income based repayment letters and employer-run program agreements.

**7.0 Selection Process**

- 7.1 Applications will be reviewed and evaluated by the Fund Committee, which shall consist of 5 members chosen by the ~~Delaware Division of Small Business Division~~ and the Delaware Center for Life Science Education and Training. The Director of the ~~Delaware Division of Small Business Division~~ and the Executive Director of the Delaware Center for Life Science Education and Training, or their designees, must be members of the Fund Committee.
- 7.2 The remaining 3 members of the Fund Committee shall be selected based on their knowledge and expertise in STEM employment trends and STEM hiring needs in Delaware. The Fund Committee may include representatives from STEM industries, a representative from a Delaware higher education institution, and a representative from a workforce development organization.
- 7.3 The Fund Committee will review applications on a name-blind basis.
- 7.4 Upon receipt of an application from an eligible applicant, the Fund Committee shall select applicants, on a competitive basis, to receive an award for the service period for which the applicant is applying, as follows:
  - 7.4.1 A maximum award of \$1,000 for an associate degree holder.
  - 7.4.2 A maximum award of \$4,000 for a bachelor's degree holder.
  - 7.4.3 A maximum award of \$6,000 for a graduate or post-graduate degree holder.
- 7.5 The Fund Committee shall email an award letter to each applicant selected for an award. The applicant shall have 30 days from the date the award letter is emailed to accept the award by countersigning the award letter and delivering an executed copy to the Division. An award shall be deemed withdrawn if not timely accepted by an applicant.
- 7.6 In addition to the terms provided by subsections 7.4, 7.5, and 8.2 of this regulation, the award letter shall require that the applicant:
  - 7.6.1 Submit annual reports, in the form and on the dates as required, in order to confirm that the applicant continues to meet all of the eligibility requirements contained in this regulation; and
  - 7.6.2 Consent to the public disclosure of the receipt of any award, including disclosure of the applicant's:
    - 7.6.2.1 Name;
    - 7.6.2.2 Post-secondary institution of higher learning; and
    - 7.6.2.3 Employer.

**8.0 Annual Certification**

- 8.1 Within 6 months after the end of each service period, awardees shall submit documentation certifying the following information:
- 8.1.1 The amount of eligible expenses the awardee has actually incurred and paid.
  - 8.1.2 That the awardee continues to meet the eligibility requirements throughout the service period.
  - 8.1.3 That the award amount does not exceed the original student loan amount, plus any capitalized interest, excluding any award previously received from the STAR Fund.
  - 8.1.4 That the awardee is current on ~~their~~ the awardee's student loan repayment obligations.
- 8.2 Awardee shall submit a notarized certification attesting to the truth and accuracy of the information provided in response to subsections 8.1.1 through 8.1.4, in the form to be provided with the award letter. The Division reserves the right to request additional documentation, in its sole discretion.
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## Symbol Key

Arial type indicates the text existing prior to the regulation being promulgated. Underlined text indicates new text added at the time of the proposed action. Language which is ~~stricken~~ through indicates text being deleted. **[Bracketed Bold language]** indicates text added at the time the final order was issued. ~~**[Bracketed bold-stricken through]**~~ indicates language deleted at the time the final order was issued.

## Final Regulations

The opportunity for public comment shall be held open for a minimum of 30 days after the proposal is published in the *Register of Regulations*. At the conclusion of all hearings and after receipt within the time allowed of all written materials, upon all the testimonial and written evidence and information submitted, together with summaries of the evidence and information by subordinates, the agency shall determine whether a regulation should be adopted, amended or repealed and shall issue its conclusion in an order which shall include: (1) A brief summary of the evidence and information submitted; (2) A brief summary of its findings of fact with respect to the evidence and information, except where a rule of procedure is being adopted or amended; (3) A decision to adopt, amend or repeal a regulation or to take no action and the decision shall be supported by its findings on the evidence and information received; (4) The exact text and citation of such regulation adopted, amended or repealed; (5) The effective date of the order; (6) Any other findings or conclusions required by the law under which the agency has authority to act; and (7) The signature of at least a quorum of the agency members.

The effective date of an order which adopts, amends or repeals a regulation shall be not less than 10 days from the date the order adopting, amending or repealing a regulation has been published in its final form in the *Register of Regulations*, unless such adoption, amendment or repeal qualifies as an emergency under §10119.

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## DEPARTMENT OF AGRICULTURE

### FOOD PRODUCT INSPECTION

Statutory Authority: 3 Delaware Code, Section 3181 (3 **Del.C.** §3181)

## ORDER

### 303 Delaware Raw Milk Regulations

#### I. NATURE OF THE PROCEEDINGS

Pursuant to its authority under 3 **Del.C.** §3181, the Delaware Department of Agriculture proposed a new regulation regarding fresh milk and raw milk. The purpose of the regulation is to administer and enforce the permitting, testing, and inspection requirements applicable to the sale and distribution of fresh milk, raw milk, and other products derived from raw milk that are intended for human consumption. Other regulations issued by the Delaware Department of Agriculture are not affected by the regulation.

Notice of a public comment period of at least thirty (30) days on the proposed regulation was published in the Delaware *Register of Regulations* for March 1, 2025, in accordance with 29 **Del.C.** §10118(a). This is the Delaware Department of Agriculture's Decision and Order adopting the proposed regulation.

#### II. FINDINGS AND CONCLUSIONS

1. The public was given the required notice of the Delaware Department of Agriculture's intention to adopt the proposed regulation and was given ample opportunity to provide comments on the regulation.

2. The Department received public comments relating to the overall burden of the regulations with specific references to the need for the required laboratory testing and the potential burden on smaller operations, including herdshares.

3. Having carefully considered the public comments, the Delaware Department of Agriculture has determined that the regulations as proposed appropriately balance protection of public health while limiting impact on business. The Department remains committed to engaging with the regulated community to address specific concerns regarding compliance.

4. Pursuant to 3 **Del.C.** §3181, the Delaware Department of Agriculture has statutory authority to promulgate rules and regulations regarding sale and distribution of raw milk and other products derived from raw milk that are intended for human consumption.

5. The Delaware Department of Agriculture further concludes that it is necessary to promulgate the regulation.

6. The Delaware Department of Agriculture has reviewed the regulation and has determined that, if promulgated, the regulation would have a *de minimis* impact on the State's resiliency to climate change because neither implementation nor compliance with the regulation would reasonably involve the increase in greenhouse gas emissions.

### III. DECISION AND ORDER CONCERNING THE REGULATIONS

**AND NOW on this 15th day of May 2025**, it is hereby ordered that:

1. The proposed Delaware Department of Agriculture regulation is adopted;
2. The text of the final regulation shall be in the form attached hereto as Exhibit A, which remain unchanged as initially published in the March 1, 2025 version of *Delaware Register of Regulations*;
3. The effective date of this Order is ten days from the date of its publication in the *Delaware Register of Regulations* in accordance with 29 **Del.C.** §10118(g); and
4. The Delaware Department of Agriculture reserved to itself the authority to issue such other and further orders concerning its regulations as it deems appropriate.

Wm. Donald Clifton, II  
Delaware Department of Agriculture

**\*Please note that no changes were made to the regulation as originally proposed and published in the March 2025 issue of the *Register* at page 631 (28 DE Reg. 631). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

**<https://regulations.delaware.gov/register/june2025/final/28 DE Reg 871 06-01-25.htm>**

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### THOROUGHBRED RACING COMMISSION

Statutory Authority: 3 Delaware Code, Section 10103(c) (3 **Del.C.** §10103(c))  
3 **DE Admin. Code** 1001

### ORDER

### 1001 Thoroughbred Racing Rules and Regulations

### I. NATURE OF THE PROCEEDINGS

Pursuant to its authority under 3 **Del. C.** §10103(c), the Delaware Thoroughbred Racing Commission sought to amend subsections 2.5, 8.8, 10.7, 21.3, 21.4, 21.5, and 21.8 of its regulations. The changes to subsection 2.5

clarify the Commission's authority to refuse to register or to issue an authorization or permit to an applicant, or to suspend or revoke a registration, permit, or authorization previously issued, or order disciplinary measures on the basis of age, citizenship, or financial irresponsibility. The changes to subsection 8.8 replace the set jockey fees with a requirement that jockey fees be set by the Commission or through special agreement approved by the Commission. The changes to subsection 10.7 add a requirement that the registered trainer shall be responsible for the cost of a postmortem examination, testing, and disposal when the Commission finds that the horse suffered an injury in another jurisdiction and subsequently died or was euthanized on a Delaware licensee's grounds as a result of such injury. The changes to subsections 21.3 and 21.4 include minor technical corrections to improve wording and numbering. The changes to subsection 21.5 include minor technical corrections to improve wording, eliminate the requirement for confirmatory testing at a Commission approved laboratory unless requested in writing by the individual tested, and include procedural requirements for how confirmatory testing is elected and conducted. Finally, the changes to subsection 21.8 include technical corrections to improve wording and numbering and make clarifications regarding the penalties for first, second, and third violations of Rule 21 relating to substance abuse or addiction. Other regulations issued by the Delaware Thoroughbred Racing Commission are not affected.

Notice of a public comment period of at least thirty (30) days on the Delaware Thoroughbred Racing Commission's proposed amended regulations was published in the Delaware *Register of Regulations* for April 1, 2025 in accordance with 29 **Del. C.** §10118(a). This is the Delaware Thoroughbred Racing Commission's Decision and Order adopting the proposed amended regulations.

## II. FINDINGS AND CONCLUSIONS

1. The public was given the required notice of the Delaware Thoroughbred Racing Commission's intention to adopt the proposed amended regulation and was given ample opportunity to provide the Delaware Thoroughbred Racing Commission with comments opposing the Delaware Thoroughbred Racing Commission's plan.

2. There were no public comments provided to the Delaware Thoroughbred Racing Commission during the written public comment period.

3. Pursuant to 3 **Del.C.** §10103(c) and 3 **DE Admin. Code** 1001, the Delaware Thoroughbred Racing Commission has authority to promulgate rules and regulations clarifying specific statutory sections of its statute.

4. Thus, the Delaware Thoroughbred Racing Commission concludes that its consideration of the proposed amended regulation was entirely within its statutory authority and, having received no comments opposed to adoption, is now free to adopt the proposed amended regulation.

5. The Delaware Thoroughbred Racing Commission has reviewed the regulation and has determined that, if promulgated, the regulation would have a *de minimis* impact on the State's resiliency to climate change because neither implementation nor compliance with the regulation would reasonably involve the increase in greenhouse gas emissions.

## III. DECISION AND ORDER CONCERNING THE REGULATIONS

**AND NOW on this 5th day of May 2025,** it is hereby ordered that:

1. The proposed amendments to the Delaware Thoroughbred Racing Commission's regulations are adopted;

2. The text of the final regulations shall be in the form attached hereto as Exhibit A, which remain unchanged as initially published in the April 1, 2025 *Delaware Register of Regulations*;

3. The effective date of this Order is ten days from the date of its publication in the *Delaware Register of Regulations* in accordance with 29 **Del. C.** §10118(e); and



4. The Delaware Thoroughbred Racing Commission reserved to itself the authority to issue such other and further orders concerning its regulations as it deems appropriate.

**Delaware Thoroughbred Racing Commission**

W. Duncan Patterson, Chairman

Richard W. Monkman, Commissioner

(absent) Edward J. Stegemeier, Commissioner

(absent) Andrew C. Slater, Commissioner

Richard A. Levine, Esq., Commissioner

**\*Please note that no changes were made to the regulation as originally proposed and published in the April 2025 issue of the *Register* at page 711 (28 DE Reg. 711). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

**<https://regulations.delaware.gov/register/june2025/final/28 DE Reg 872 06-01-25.htm>**

**DEPARTMENT OF EDUCATION**

**OFFICE OF THE SECRETARY**

Statutory Authority: 14 Delaware Code, Sections 122(b)(8), 181(15), 183, 3402(c), and 3416  
(14 **Del.C.** §§ 122(b)(8), 181(15), 183, 3402(c), & 3416)  
14 **DE Admin. Code** 1211

**ORDER**

**1211 Career-Based Scholarship Program**

**I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED**

Pursuant to 14 **Del.C.** §122(b)(8), the Secretary of Education seeks the consent of the State Board of Education to amend 14 **DE Admin. Code** 1211 Career-Based Scholarship Program. This regulation is being amended to reinstate the definition of Free Application for Federal Student Aid ("FAFSA") in Section 2.0, reinstate the requirement that applicants complete the FAFSA for the school year in which the scholarship is sought by the application deadline in subsection 4.2.2, and reinstate the information that Delaware Higher Education Office will consider to determine an applicant's financial need for the scholarship's purpose in subsection 5.2. The proposed changes are a result of the U.S. Department of Education's release of the 2025-2026 FAFSA application which is fully operational, and students can successfully submit their FAFSA. In section 5.2.1 there was one non substantive change to reflect updated FAFSA language from Estimated Family Contribution to Student Aid Index. Other grammatical changes were made to comply with the *Delaware Administrative Code Drafting and Style Manual*.

This regulation was originally published on March 1, 2025. It was also presented to the State Board of Education at its March meeting for information. No comments were received.

**II. FINDINGS OF FACTS**

The Secretary of Education finds that it is appropriate to amend 14 **DE Admin. Code** 1211 Career-Based Scholarship Program. This regulation is being amended to reinstate the definition of Free Application for Federal Student Aid ("FAFSA") in Section 2.0, reinstate the requirement that applicants complete the FAFSA for the school year in which the scholarship is sought by the application deadline in subsection 4.2.2, and reinstate the information that Delaware Higher Education Office will consider to determine an applicant's financial need for the scholarship's purpose in subsection 5.2. The proposed changes are a result of the U.S. Department of Education's release of the 2025-2026 FAFSA application which is fully operational, and students can successfully submit their FAFSA. Other grammatical changes were made to comply with the *Delaware Administrative Code Drafting and Style Manual*.

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### III. ASSESSMENT OF THE IMPACT ON ACHIEVEMENT OF THE STATE'S GREENHOUSE GAS EMISSIONS REDUCTION TARGETS AND RESILIENCY TO CLIMATE CHANGE

The Secretary of Education has reviewed the proposed regulation as required by 29 **Del.C.** §10118(b)(3) and has determined that any assessment of the impact of the proposed regulation is not practical

### IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 1211 Career-Based Scholarship Program. Therefore, pursuant to 14 **Del.C.** §§ 122(b)(8), 181(15), 183, 3402(c), and 3416, 14 **DE Admin. Code** 1211 Career-Based Scholarship Program attached hereto as *Exhibit "A"* is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 1211 Career-Based Scholarship Program as amended will be in effect for a period of five years from the effective date of this order as set forth in Section VI. below.

### V. TEXT AND CITATION

The text of 14 **DE Admin. Code** 1211 Career-Based Scholarship Program amended hereby shall be in the form attached hereto as *Exhibit "A"*, and said regulation shall be cited as 14 **DE Admin. Code** 1211 Career-Based Scholarship Program in the *Administrative Code of Regulations* for the Department of Education.

### VI. EFFECTIVE DATE OF ORDER

The actions hereinabove referred to were taken by the Secretary pursuant to 14 **Del.C.** §§ 122(b)(8), 181(15), 183, 3402(c), and 3416, on May 15, 2025. The effective date of this Order shall be ten days from the date this Order is published in the Register of Regulations.

IT IS SO ORDERED the 15<sup>th</sup> day of May 2025.

**Department of Education**  
Cynthia Marten, Secretary of Education

Approved this 15th day of May 2025

**State Board of Education**

/s/ Shawn Brittingham, President

/s/ Rajalakshmi Lodhavia

/s/ Deborah Stevens, Vice President

/s/ Rev. Provey Powell, Jr.

/s/ Meredith L. Griffin, Jr.

/s/ James L. Simmons III

**\*Please note: Electronic signatures ("/s/") were accepted pursuant to 6 Del.C. §12A-107(d).**

### 1211 Career-Based Scholarship Program

#### 1.0 Purpose

The purpose of this regulation is to provide the eligibility criteria, application requirements, and award process for the Career-Based Scholarship Program pursuant to 14 **Del.C.** §3416.

#### 2.0 Definitions

The following words and terms, when used in this regulation, shall have the following meaning:

**"Award"** means a scholarship awarded under the Career-Based Scholarship Program.

**"Delaware Higher Education Office" or "DHEO"** means the Department of Education's office which administers specific programs related to higher education, including, ~~but not limited to,~~ student financial assistance programs.

**"Free Application for Federal Student Aid" or "FAFSA"** means the data supplied in connection with the federal government's application for federal financial aid.

**"High need field"** means 1 of the specific fields identified as an area of need in Delaware by the committee established pursuant to 14 Del.C. §3416(b).

**~~"Student Account Access Site"~~ account access site** means the webpage on the DHEO's website where students can access scholarship opportunities.

### 3.0 Eligibility

- 3.1 In order to be eligible for an award under the Career-Based Scholarship Program, an applicant shall meet the requirements of subsections 3.1.1 through 3.1.3.
  - 3.1.1 The applicant shall be enrolled in an undergraduate program of study leading to a career in a high need field.
  - 3.1.2 The applicant shall meet the definition of residency as defined in 14 Del.C. §3402(f).
  - 3.1.3 The applicant shall be enrolled at a college or university that is located in Delaware and is accredited by an accrediting agency recognized by the U.S. Secretary of Education.

### 4.0 Application Requirements

- 4.1 The application acceptance and submission period for the Career-Based Scholarship Program shall be posted on the DHEO's website by December 1 of each calendar year.
  - 4.1.1 Applications shall not be accepted outside of the posted application acceptance period under any circumstances.
  - 4.1.2 Incomplete applications shall not be accepted or processed.
- 4.2 In order for an application to be considered complete, an applicant shall fulfill ~~the requirement in subsection 4.2.1~~ all of the requirements in subsections 4.2.1 and 4.2.2.
  - 4.2.1 The applicant shall complete an online application through the ~~Student Account Access Site~~ student account access site by the last date of the application acceptance period.
    - 4.2.1.1 Applicants may update their enrollment information on the ~~Student Account Access Site~~ student account access site through the last date of the application acceptance period.
    - 4.2.1.2 A first time applicant must establish an account and provide the applicant's valid email address and permanent mailing address before being permitted to submit the information required in subsection 4.2 of this regulation.
  - 4.2.2 ~~Reserved.~~ The applicant shall complete the FAFSA for the school year in which the scholarship is sought by the application deadline.

### 5.0 Awards

- 5.1 DHEO determines the amount of scholarships to be awarded annually. Contingent upon funding appropriated for the Career-Based Scholarship Program and based on the size of the applicant pool, at least 1 applicant in each high need area career field will be awarded a scholarship annually.
- 5.2 To determine an applicant's financial need for the purpose of the Career-Based Scholarship, DHEO will ~~consider the expense of attending the applicant's college or university and the applicant's eligibility for state or private grant assistance.~~ consider:
  - 5.2.1 The applicant's [expected family contribution student aid index], which is the number that is calculated using the financial information an applicant provides on the applicant's FAFSA to determine the applicant's eligibility for federal student aid;
  - 5.2.2 The expense of attending the applicant's college or university; and
  - 5.2.3 The applicant's eligibility for Pell grants and other federal, state, or private grant assistance.

- 5.3 An award shall be used for, and not in excess of, tuition, mandatory fees, room, board, books, and other direct and indirect educational expenses.
- 5.4 An award is renewable for up to 3 years.
- 5.5 To be eligible to renew an award, a student shall update the student's enrollment information on the ~~Student Account Access Site~~ student account access site; continue to be enrolled in a program of study leading to a career in a high need field; maintain satisfactory academic progress by successfully completing coursework according to the standards of the college or university in which the student is enrolled; and continue to be eligible receive financial aid.
- 5.6 A student shall not receive more than 4 annual awards.

## 6.0 Award Payment

- 6.1 Award payments shall be disbursed directly to the student's college or university only.
- 6.2 If a student withdraws from school or otherwise does not qualify for full payment at the end of the add/drop period for a semester, DHEO will apply the refund policies set forth in 14 **Del.C.** §3402(k). For the purpose of this regulation, semester means a half-year term in a school or college, typically lasting 15 to 18 weeks.

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### OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 122(b)(8), 181(15), 183, 3402(c), 3402(h), and 3438  
(14 **Del.C.** §§ 122(b)(8), 181(15), 183, 3402(c), 3402(h), & 3438)  
14 **DE Admin. Code** 1216

### ORDER

### 1216 Educator Support Scholarship Program

## I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** §122(b)(8), the Secretary of Education seeks the consent of the State Board of Education to amend 14 **DE Admin. Code** 1216 Educator Support Scholarship Program. This regulation is being amended to reinstate the definition of Free Application for Federal Student Aid ("FAFSA") in Section 2.0, reinstate the requirement that applicants complete the FAFSA for the school year in which the scholarship is sought by the application deadline in subsection 4.2.2, and reinstate the information that Delaware Higher Education Office will consider to determine an applicant's financial need for the scholarship's purpose in subsection 5.2. The proposed changes are a result of the U.S. Department of Education's release of the 2025-2026 FAFSA application which is fully operational, and students can successfully submit their FAFSA. Other grammatical changes were made to comply with the *Delaware Administrative Code Drafting and Style Manual*.

This regulation was originally published on March 1, 2025. It was also presented to the State Board of Education at its March meeting for information. No comments were received.

## II. FINDINGS OF FACTS

The Secretary of Education finds that it is appropriate to amend 14 **DE Admin. Code** 1216 Educator Support Scholarship Program. This regulation is being amended to reinstate the definition of Free Application for Federal Student Aid ("FAFSA") in Section 2.0, reinstate the requirement that applicants complete the FAFSA for the school year in which the scholarship is sought by the application deadline in subsection 4.2.2, and reinstate the information that Delaware Higher Education Office will consider to determine an applicant's financial need for the scholarship's purpose in subsection 5.2. The proposed changes are a result of the U.S. Department of Education's release of the 2025-2026 FAFSA application which is fully operational, and students can successfully submit their FAFSA. Other grammatical changes were made to comply with the *Delaware Administrative Code Drafting and*

*Style Manual.*

### III. ASSESSMENT OF THE IMPACT ON ACHIEVEMENT OF THE STATE'S GREENHOUSE GAS EMISSIONS REDUCTION TARGETS AND RESILIENCY TO CLIMATE CHANGE

The Secretary of Education has reviewed the proposed regulation as required by 29 **Del.C.** §10118(b)(3) and has determined that any assessment of the impact of the proposed regulation is not practical

### IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 1216 Educator Support Scholarship Program. Therefore, pursuant to 14 **Del.C.** §§ 122(b)(8), 181(15), 183, 3402(c), 3402(h) and 3438, 14 **DE Admin. Code** 1216 Educator Support Scholarship Program attached hereto as *Exhibit "A"* is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 1216 Educator Support Scholarship Program as amended will be in effect for a period of five years from the effective date of this order as set forth in Section VI. below.

### V. TEXT AND CITATION

The text of 14 **DE Admin. Code** 1216 Educator Support Scholarship Program amended hereby shall be in the form attached hereto as *Exhibit "A"*, and said regulation shall be cited as 14 **DE Admin. Code** 1216 Educator Support Scholarship Program in the *Administrative Code of Regulations* for the Department of Education.

### VI. EFFECTIVE DATE OF ORDER

The actions hereinabove referred to were taken by the Secretary pursuant to 14 **Del.C.** §§ 122(b)(8), 181(15), 183, 3402(c), 3402(h) and 3438, on May 15, 2025. The effective date of this Order shall be ten days from the date this Order is published in the Register of Regulations.

**IT IS SO ORDERED** the 15<sup>th</sup> day of May 2025.

**Department of Education**  
Cynthia Marten, Secretary of Education

Approved this 15th day of May 2025

#### **State Board of Education**

/s/ Shawn Brittingham, President

/s/ Rajalakshmi Lodhavia

/s/ Deborah Stevens, Vice President

/s/ Rev. Provey Powell, Jr.

/s/ Meredith L. Griffin, Jr.

/s/ James L. Simmons III

**\*Please note: Electronic signatures ("/s/") were accepted pursuant to 6 Del.C. §12A-107(d).**

**\*Please note that no changes were made to the regulation as originally proposed and published in the March 2025 issue of the *Register* at page 638 (28 DE Reg. 638). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

**<https://regulations.delaware.gov/register/june2025/final/28 DE Reg 877 06-01-25.htm>**

## OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 122(b)(8), 181(15), 183, 3402(c), and 3439(a)  
(14 Del.C. §§ 122(b)(8), 181(15), 183, 3402(c), & 3439(a))  
14 DE Admin. Code 1217

### ORDER

#### 1217 Mental Health Services Scholarship

#### I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 Del.C. §122(b)(8), the Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 1217 Mental Health Services Scholarship. This regulation is being amended to reinstate the definition of Free Application for Federal Student Aid ("FAFSA") in Section 2.0, reinstate the requirement that applicants complete the FAFSA for the school year in which the scholarship is sought by the application deadline in subsection 4.2.2, and reinstate the information that Delaware Higher Education Office will consider to determine an applicant's financial need for the scholarship's purpose in subsection 5.2. The proposed changes are a result of the U.S. Department of Education's release of the 2025-2026 FAFSA application which is fully operational, and students can successfully submit their FAFSA. Other grammatical changes were made to comply with the *Delaware Administrative Code Drafting and Style Manual*.

This regulation was originally published on March 1, 2025. It was also presented to the State Board of Education at its March meeting for information. No comments were received.

#### II. FINDINGS OF FACTS

The Secretary of Education finds that it is appropriate to amend 14 DE Admin. Code 1217 Mental Health Services Scholarship. This regulation is being amended to reinstate the definition of Free Application for Federal Student Aid ("FAFSA") in Section 2.0, reinstate the requirement that applicants complete the FAFSA for the school year in which the scholarship is sought by the application deadline in subsection 4.2.2, and reinstate the information that Delaware Higher Education Office will consider to determine an applicant's financial need for the scholarship's purpose in subsection 5.2. The proposed changes are a result of the U.S. Department of Education's release of the 2025-2026 FAFSA application which is fully operational, and students can successfully submit their FAFSA. Other grammatical changes were made to comply with the *Delaware Administrative Code Drafting and Style Manual*.

#### III. ASSESSMENT OF THE IMPACT ON ACHIEVEMENT OF THE STATE'S GREENHOUSE GAS EMISSIONS REDUCTION TARGETS AND RESILIENCY TO CLIMATE CHANGE

The Secretary of Education has reviewed the proposed regulation as required by 29 Del.C. §10118(b)(3) and has determined that any assessment of the impact of the proposed regulation is not practical.

#### IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 DE Admin. Code 1217 Mental Health Services Scholarship. Therefore, pursuant to 14 Del.C. §§ 122(b)(8), 181(15), 183, 3402(c), and 3439(a), 14 DE Admin. Code 1217 Mental Health Services Scholarship attached hereto as *Exhibit "A"* is hereby amended. Pursuant to the provision of 14 Del.C. §122(e), 14 DE Admin. Code 1217 Mental Health Services Scholarship as amended will be in effect for a period of five years from the effective date of this order as set forth in Section VI. below.

#### V. TEXT AND CITATION

The text of 14 DE Admin. Code 1217 Mental Health Services Scholarship amended hereby shall be in the form attached hereto as *Exhibit "A"*, and said regulation shall be cited as 14 DE Admin. Code 1217 Mental Health

Services Scholarship in the *Administrative Code of Regulations* for the Department of Education.

## VI. EFFECTIVE DATE OF ORDER

The actions hereinabove referred to were taken by the Secretary pursuant to 14 **Del.C.** §§ 122(b)(8), 181(15), 183, 3402(c) and 3439(a), on May 15, 2025. The effective date of this Order shall be ten days from the date this Order is published in the Register of Regulations.

**IT IS SO ORDERED** the 15<sup>th</sup> day of May 2025.

**Department of Education**  
Cynthia Marten, Secretary of Education

Approved this 15th day of May 2025

### State Board of Education

/s/ Shawn Brittingham, President

/s/ Rajalakshmi Lodhavia

/s/ Deborah Stevens, Vice President

/s/ Rev. Provey Powell, Jr.

/s/ Meredith L. Griffin, Jr.

/s/ James L. Simmons III

**\*Please note: Electronic signatures ("/s/") were accepted pursuant to 6 Del.C. §12A-107(d).**

**\*Please note that no changes were made to the regulation as originally proposed and published in the March 2025 issue of the *Register* at page 641 (28 DE Reg. 641). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

**<https://regulations.delaware.gov/register/june2025/final/28 DE Reg 879 06-01-25.htm>**

## DEPARTMENT OF HEALTH AND SOCIAL SERVICES

### DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)

### ORDER

### Juvenile Justice Initiative

#### NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance initiated proceedings to amend Title XIX Medicaid State Plan regarding Juvenile Justice Initiative, specifically, to expand services provided for incarcerated individuals. The Department's proceedings to amend its regulations were initiated pursuant to 29 **Del.C.** §10114 and its authority as prescribed by 31 **Del.C.** §512.

The Department published its notice of proposed regulation changes pursuant to 29 **Del. C.** §10115 in the March 2025 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by March 31, 2025, at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

#### SUMMARY OF PROPOSAL

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) is proposing to amend Title XIX Medicaid State Plan regarding Juvenile Justice Initiative.



Background

The CAA requires states to provide services to eligible juveniles incarcerated in public institutions. States must provide **[screenings and diagnostic services in accordance with the ~~certain services, such as~~** Early and periodic Screening, Diagnostic, and Treatment Services (EPSDT) and Targeted Case Management (TCM) for eligible juveniles who are within 30 days of release post adjudication **[,and Targeted Case Management for eligible juveniles who are within 30 days of release post-adjudication and for at least 30 days following release]**.

Statutory Authority

- The Consolidated Appropriations Act (CAA) of 2023
- Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (The SUPPORT Act)
- 1902(a)(84)(D) of the Social Security Act

Purpose

The purpose of this regulation is to improve care transitions for certain individuals who are incarcerated **[individuals]** and are eligible for Medicaid.

Summary of Proposed Changes

Effective January 1, 2025, the DHSS/DMMA proposes to amend Title XIX Medicaid State Plan to expand services provided for incarcerated individuals.

Public Notice

In accordance with the *federal* public notice requirements established at Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 440.386 and the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DMMA gave public notice and provided an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments were to have been received by 4:30 p.m. on March 31, 2025.

Centers for Medicare and Medicaid Services Review and Approval

The provisions of this state plan amendment (SPA) are subject to approval by the Centers for Medicare and Medicaid Services (CMS). The draft SPA page(s) may undergo further revisions before and after submittal to CMS based upon public comment and/or CMS feedback. The final version may be subject to significant change.

Provider Manuals and Communications Update

Also, there may be additional provider manuals that may require updates as a result of these changes. The applicable Delaware Medical Assistance Program (DMAP) Provider Policy Specific Manuals and/or Delaware Medical Assistance Portal will be updated. Manual updates, revised pages or additions to the provider manual are issued, as required, for new policy, policy clarification, and/or revisions to the DMAP program. Provider billing guidelines or instructions to incorporate any new requirement may also be issued. A newsletter system is utilized to distribute new or revised manual material and to provide any other pertinent information regarding DMAP updates. DMAP updates are available on the Delaware Medical Assistance Portal website: <https://medicaid.dhss.delaware.gov/provider>

Fiscal Impact Statement

	Federal Fiscal Year 2025	Federal Fiscal Year 2026
General (State) funds	\$0	\$151,184
Federal funds	\$0	\$221,282

Summary of Comments Received with Agency Response and Explanation of Changes



Comment: The commenter supports the proposed revisions.

Agency Response: DMMA appreciates the support.

Comment: The commenter recommends the inclusion of Health-Related Social Needs (HRSNs) as a part of the Targeted Case Management (TCM) care plan development.

Agency Response: DMMA appreciates this suggestion and will take it under consideration. DMMA is working with the Department of Services for Children Youth and Their Families (DSCYF) and the Department of Corrections (DOC) to ensure the TCM care plan policies and accompanying guidance meet the federal CFR requirements as well as individual needs.

Comment: The commenter asked how TCM will impact current case management and re-entry planning.

Agency Response: DMMA is working with DSCYF and DOC to ensure the CAA requirements coordinate with existing transition planning.

Comment: The commenter asked if DHSS is planning to pursue the optional CAA Section 5122 coverage for pre-adjudicated youth.

Agency Response: DMMA appreciates the recommendation. Optional CAA Section 5122 for pre-adjudicated youth is under consideration for future implementation.

DMMA is pleased to provide the opportunity to receive public comments and greatly appreciates the thoughtful input given by:

- Governor's Advisory Council for Exceptional Citizens (GACEC)

#### **IMPACT ON THE STATE'S GREENHOUSE GAS EMISSIONS REDUCTION TARGETS AND RESILIENCY TO CLIMATE CHANGE:**

The DMMA Division Director has reviewed the proposed regulation as required by 29 **Del. C.** §10118(b)(3) and has determined that if promulgated, the regulation would have a de minimis impact on the State's resiliency to climate change because neither implementation nor compliance with the regulation would reasonably involve the increase in greenhouse gas emissions.

#### **FINDINGS OF FACT:**

The Department finds that the proposed changes as set forth in the March 2025 *Register of Regulations* should be adopted.

THEREFORE, IT IS ORDERED, that the proposed regulation to amend Title XIX Medicaid State Plan regarding Juvenile Justice Initiative, specifically, to expand services provided for incarcerated individuals, and shall be final effective June 11, 2025.

5/14/2025 | 4:21 PM EDT

Date of Signature

Josette D. Manning, Esquire  
Secretary, DHSS

**\*Please note that there is an Errata concerning this regulation included in the June 2025 issue of the *Delaware Register of Regulations*.**

## METHODS AND STANDARDS FOR ESTABLISHING PAYMENT RATES

### **Targeted Case Management for Eligible Juveniles under the Consolidated Appropriations Act (CAA) (2023) Requirements**

Reimbursements for services are based upon a Medicaid fee schedule established by the Delaware Medical Assistance Program (DMAP).

The fee development methodology-built fees considering each component of provider costs are outlined below. These reimbursement methodologies produced rates sufficient to enlist enough providers so that services under the State Plan are available to beneficiaries at least to the extent that these services are available to the general population, as required by 42 CFR 447.204. These rates comply with the requirements of Section 1902(a)(3) of the Social Security Act and 42 CFR 447.200, regarding payments and are consistent with economy, efficiency, and quality of care. Provider enrollment and retention will be reviewed periodically to ensure that access to care and adequacy of payments are maintained. The Medicaid fee schedule is equal to or less than the maximum allowable under the same Medicare rate, where there is a comparable Medicare rate. Room and board costs are not included in the Medicaid fee schedule.

The fee development methodology will primarily be composed of provider cost modeling, through Delaware provider compensation studies, cost data, and fees from similar State Medicaid programs may be considered, as well. The following list outlines the major components of the cost model to be used in fee development:

- Staffing Assumptions and Staff Wages;
- Employee-Related Expenses - Benefits, Employer Taxes (e.g., Federal Insurance Contributions Act (FICA), unemployment, and workers compensation);
- Program-Related Expenses (e.g., supplies);
- Practice model standards (compensation, supervision, materials and supplies, travel, training, administration, and utilization);
- Provider Overhead Expenses; and
- Program Billable Units.

The fee schedule rates will be developed as the ratio of total annual modeled provider costs to the estimated annual billable units. A unit of service is defined according to Healthcare Common Procedure Coding System (HCPCS) approved code set unless otherwise specified.

Except as otherwise noted in the State Plan, the State-developed fee schedule is the same for both governmental and private individual providers and the fee schedule and any annual/periodic adjustments to the fee schedule are published in the Delaware Register of Regulations. The Agency's fee schedule rate was set as of November 1, 2025, and is effective for services provided on or after that date. All rates are published on the Delaware Medical Assistance Program (DMAP) website at <https://medicaidpublications.dhss.delaware.gov/docs/search?EntryId=1080>.

TN: 25-0001  
Supersedes TN: NEW

Approval Date: \_\_\_\_\_  
Effective: 1/1/25

**\*Please Note: Due to formatting of certain amendments to the regulation, they are not being published here. Copies of the documents are available at:**

<https://regulations.delaware.gov/register/june2025/final/Supplement 5 to Attachment 3.1-A page 7-13 Amended.pdf>

<https://regulations.delaware.gov/register/june2025/final/Attachment 3.1-M pages 1-2 Amended.pdf>

DIVISION OF PUBLIC HEALTH

Statutory Authority: 16 Delaware Code, Section 122(3) (16 Del.C. §122(3))  
16 DE Admin. Code 4104

ORDER

4104 Delaware Conrad State 30/J-1 Visa Waiver Program

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("DHSS"), Division of Public Health recently initiated proceedings to amend regulation 4104 Delaware Conrad State 30/J-1 Visa Waiver Program. These proceedings were initiated pursuant to 29 Del.C. Ch. 101 and the authority as prescribed by 16 Del.C. §122(3).

On March 1, 2025 (28 DE Reg. 654), DHSS published in the *Delaware Register of Regulations* its notice of the proposed amendments, pursuant to 29 Del.C. §10115. The Division of Public Health requested that written materials and suggestions from the public concerning the proposed regulation be delivered to DHSS by April 1, 2025, after which time DHSS would review information, factual evidence, and public comment to the proposed regulation.

No comments were received during the public comment period.

SUMMARY OF EVIDENCE:

In accordance with Delaware law, public notices regarding the proposed amendments to the regulation governing the Delaware Conrad State 30/J-1 Visa Waiver Program were published in the *Delaware Register of Regulations*. Written comments were accepted on the proposed regulation during the public comment period (March 1, 2025, through April 1, 2025).

IMPACT ON THE STATE'S GREENHOUSE GAS EMISSIONS REDUCTION TARGETS AND RESILIENCY TO CLIMATE CHANGE:

Division of Public Health Director Steven Blessing has reviewed the proposed regulation as required by 29 Del.C. §10118(b)(3) and has determined that if promulgated, the regulation would have a *de minimis* impact on the State's resiliency to climate change because neither implementation nor compliance with the regulation would reasonably involve the increase in greenhouse gas emissions.

FINDINGS OF FACT:

No changes were made to the regulation since publication as proposed. The Department finds that the proposed regulation, as set forth in the attached copy, should be adopted in the best interest of the public of the State of Delaware.

THEREFORE, IT IS ORDERED that the proposed amendments to regulation 4104 Delaware Conrad State 30/J-1 Visa Waiver Program shall become effective June 11, 2025, 10 days after publication of the final regulation in the *Delaware Register of Regulations*.

5/15/2025 | 11:27 AM EDT  
Date

\_\_\_\_\_  
Josette D. Manning, Esquire  
Josette D. Manning, Esq.  
Cabinet Secretary  
Delaware Department of Health and Social Services

\*Please note:

- (1) There is an Errata concerning this regulation included in the June 2025 issue of the *Delaware Register of Regulations*.
- (2) No changes were made to the regulation as originally proposed and published in the March

2025 issue of the *Register* at page 654 (28 DE Reg. 654). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:  
<https://regulations.delaware.gov/register/june2025/final/28 DE Reg 884 06-01-25.htm>

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**DIVISION OF PUBLIC HEALTH**

Statutory Authority: 16 Delaware Code, Section 122 (16 **Del.C.** §122)  
16 **DE Admin. Code** 4461

**ORDER**

**4461 State of Delaware Milk Code**

**NATURE OF THE PROCEEDINGS:**

Delaware Health and Social Services ("DHSS"), Division of Public Health recently initiated proceedings to amend regulation 4461 State of Delaware Milk Code. These proceedings were initiated pursuant to 29 **Del.C.** Ch. 101 and the authority as prescribed by 16 **Del.C.** §122.  
On March 1, 2025 (28 **DE Reg.** 655), DHSS published in the *Delaware Register of Regulations* its notice of the proposed amendments, pursuant to 29 **Del.C.** §10115. The Division of Public Health requested that written materials and suggestions from the public concerning the proposed regulation be delivered to DHSS by April 2, 2025, after which time DHSS would review information, factual evidence, and public comment to the proposed regulation.  
No comments were received during the public comment period.

**SUMMARY OF EVIDENCE:**

In accordance with Delaware law, public notices regarding the proposed amendments to the regulation governing the State of Delaware Milk Code were published in the *Delaware Register of Regulations*. Written comments were accepted on the proposed regulation during the public comment period (March 1, 2025, through April 2, 2025).

**IMPACT ON THE STATE'S GREENHOUSE GAS EMISSIONS REDUCTION TARGETS AND RESILIENCY TO CLIMATE CHANGE:**

Division of Public Health Director Steven Blessing has reviewed the proposed regulation as required by 29 **Del.C.** §10118(b)(3) and has determined that if promulgated, the regulation would have a *de minimis* impact on the State's resiliency to climate change because neither implementation nor compliance with the regulation would reasonably involve the increase in greenhouse gas emissions.

**FINDINGS OF FACT:**

No changes were made to the regulation since publication as proposed. The Department finds that the proposed regulation, as set forth in the attached copy, should be adopted in the best interest of the public of the State of Delaware.

**THEREFORE, IT IS ORDERED** that the proposed amendments to regulation 4461 State of Delaware Milk Code shall become effective June 11, 2025, 10 days after publication of the final regulation in the *Delaware Register of Regulations*.

5/5/2025 | 1:52 PM EDT  
Date

Josette D Manning, Esquire  
Josette D. Manning, Esq.  
Cabinet Secretary  
Delaware Department of Health and Social Services

**4461 State of Delaware Milk Code**

**1.0 State of Delaware Food Milk Code**

# FINAL REGULATIONS

- 1.1 ~~These Regulations~~ This regulation shall hereby be known as the "State of Delaware Milk Code".
- 1.2 The ~~Regulatory Agency~~ regulatory agency may grant a variance by modifying or waiving the requirements of ~~these Regulations~~ this regulation if in the opinion of the ~~Regulatory Agency~~ regulatory agency a health hazard or nuisance will not result from the variance or waiver.
- 1.3 A copy of the complete State of Delaware Milk Code is available for public view at the following location: Office of Food Protection, 417 ~~Federal Street, Dover, Delaware 19903~~ 43 S. DuPont Hwy., Suite C, Dover, DE 19901. A copy is also available online at:  
<http://www.fda.gov/downloads/Food/FoodSafety/Product-SpecificInformation/MilkSafety/NationalConferenceonInterstateMilkShipmentsNCIMSModelDocuments/UCM209789.pdf>  
<https://www.fda.gov/media/180975/download?attachment>

## 2.0 Adoption of the United States Department of Health and Human Services' Grade "A" Pasteurized Milk Ordinance ~~2015~~ 2023 Revision.

- 2.1 The State of Delaware Milk Code adopts, as if fully set forth herein, the United States Department of Health and Human Services' Grade "A" Pasteurized Milk Ordinance 2015 2023 Revision as amended herein. ~~The production, transportation, processing, handling, sampling, examination, labeling and sale of all Grade "A" milk and milk products sold for the ultimate consumption within the State of Delaware; the inspection of dairy farms, milk plants, receiving stations, transfer stations, milk tank truck cleaning facilities, milk tank trucks and bulk milk hauler/samplers; and the issuing and revocation of permits to milk producers, bulk milk hauler/samplers, milk tank trucks, milk transportation companies, milk plants, receiving stations, transfer stations, milk tank truck cleaning facilities, haulers, and distributors shall be regulated in accordance with the provisions of the current edition of the Grade "A" PMO. in Section 2.0 of this regulation. This regulation shall apply to dairy plants, dairy farms, processing plants, receiving stations and other facilities or establishments handling, transporting, or selling any Grade "A" milk or milk products for human consumption.~~
- 2.2 Insert as footnote 2 the phrase "State of Delaware".
- 2.3 Amend Section 16 by deleting the section in its entirety and substituting in lieu thereof the following: "Any person who shall violate any of the provisions of ~~these Regulations~~ this regulation shall be penalized in accordance with ~~these Regulations~~ this regulation and Title 16 of the Delaware Code."
- 2.4 Amend Section 17 by deleting the section in its entirety and substituting in lieu thereof the following, "All current or previous regulations or parts of ~~Regulations~~ regulations in conflict with ~~these Regulations~~ this regulation, as proposed in the *Delaware Register of Regulations* on March 1, 2025, are hereby repealed and ~~these Regulations~~ this regulation shall be in effect on July 1, 2017 ~~ten days~~ after publication of the final regulation in the *Delaware Register of Regulations*, whichever is later."

## DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

### DIVISION OF FISH AND WILDLIFE

Statutory Authority: 7 Delaware Code, Section 2002 (7 **Del.C.** §2002)  
**7 DE Admin. Code 3801**

Secretary's Order No: 2025-F-0015

RE: Approving Final Amendments to 7 DE Admin. Code 3801 - Shellfish Aquaculture

Date of Issuance: April 26, 2025

Effective Date: June 11, 2025

### 3801 Shellfish Aquaculture

Under the authority vested in the Secretary of the Department of Natural Resources and Environmental Control ("Department" or "DNREC") pursuant to 7 *Del.C.* §§6006 and 6010, and all other relevant statutory authority, the

following findings of fact based on the record, reasons and conclusions are entered as an Order of the Secretary in the above-referenced regulatory proceeding.

## Background, Procedural History and Findings of Fact

This Order relates to 7 DE Admin. Code 3801 - *Shellfish Aquaculture* ("Regulation"). The Department proposes amendments to the Regulation to enhance operational efficiency, reduce regulatory burden, and encourage greater industry participation, while maintaining effective oversight by the Department.

The Department originally promulgated this Regulation in 2014 pursuant to 7 *Del. C.* Chapter 20, to establish leasing provisions for subaqueous lands in Delaware's Inland Bays to support the development of shellfish aquaculture. Leasing activity began in 2017 within designated Shellfish Aquaculture Development Areas ("SADAs") in Indian River, Rehoboth, and Little Assawoman Bays.

In 2019, following two years of the Regulation implementation, the Department's Division of Fish and Wildlife ("DFW") conducted public outreach to gather feedback on the aquaculture leasing. Based on this feedback, the Department amended the Regulation in May 2024 to update aquaculture practices, improve compliance mechanisms, and enhance administrative oversight.

In 2024, the Delaware General Assembly established the Shellfish Aquaculture Task Force ("Task Force") through Senate Concurrent Resolution 103. The Task Force was charged with evaluating all aspects of shellfish aquaculture within Delaware's Inland Bays and identifying strategies to increase industry participation and production. Between April and August 2024, the Task Force convened six times and issued recommendations aimed to improve the effectiveness and sustainability of shellfish aquaculture operations.

In response to the Task Force's findings and recommendations, the Department proposes regulatory amendments that incorporate the following revisions:

### 1. Revision of Planting and Harvesting Requirements

The proposed amendments reduce the minimum annual planting requirement from 100,000 to 50,000 oysters per leased acre. In addition, the timeline for compliance has been shortened: new lessees must now meet the planting requirement within 36 months (previously 60 months) and achieve a minimum harvest of 2,000 oysters or 5,000 clams per acre within 48 months (previously 72 months).

### 2. Modification of Gear-Marking Requirements

The proposed revisions remove the requirement to mark individual gear units that are attached to lines suspended between poles spaced no more than ten feet apart. This change reduces unnecessary burdens on growers utilizing suspended gear systems, where such equipment is already readily visible from the surface.

### 3. Streamlining of In-State Hatchery Import Permitting

The amendments eliminate the import permit requirement for in-state hatcheries that comply with established shellfish disease control standards. Hatcheries implementing approved biosecurity measures and demonstrating consistently low disease levels may also be eligible for reduced testing requirements.

These revisions are intended to support continued industry development while upholding the Department's responsibility to protect environmental resources and public health.

The Department published its proposed regulation Amendments in the March 1, 2025, *Delaware Register of Regulations*. A public hearing was held on March 25, 2025, during which the Department presented the proposed amendments. There were five (5) members of the public in attendance at the hearing.

Pursuant to 29 *Del.C.* §10118(a), the hearing record ("Record") remained open for fifteen (15) days following the public hearing to allow for receipt of written comment. The Record formally closed for comment at close of business on April 9, 2025. The Department received a total of three (3) comments all of which expressed support

for the proposed Amendments.

The Department recognizes and appreciates the public input received, as well as the continuing work of the Task Force in identifying ways to further increase participation and enhance the productivity of shellfish aquaculture in the Inland Bays.

The Department has the statutory basis and legal authority to act with regard to the formal promulgation of these proposed Amendments, pursuant to 7 *Del. C.* § 2002, 2005(a) & 2006(d) & (e). The Department's proposed Amendments support the harvesting of shellfish aquaculture, while protecting public health, environmental preservation, and safeguarding of the State's natural resources. All notification and noticing requirements concerning this matter were met by the Department and proper notice of the hearing was provided as required by law.

Hearing Officer Theresa Smith prepared her report dated April 15, 2025 ("Report"), which expressly incorporated into the Record the proposed Amendment, attached thereto as Appendix "A". Mrs. Smith's Report set forth the procedural history, summarized and established the record of information ("Record") relied on in the Report and provided findings of fact, reasons, and conclusions that recommend the approval of the proposed Amendments pending before the Department.

### **Reasons and Conclusions**

Currently pending before the Department are the proposed regulatory amendments to 7 DE Admin. Code 3801 - *Shellfish Aquaculture*. In reviewing the applicable statutes and regulations, as well as weighing the public benefits of the proposed Amendments against potential detriments, the Department's experts in the DFW have concluded that the proposed Amendments comply with all applicable federal and state laws and regulations.

Further, the proposed Amendments as published in the March 1, 2025, *Delaware Register of Regulations*, are consistent with the Department's statutory authority under 7 *Del. C.* § 2002, 2005(a) & 2006(d) & (e), to support the aquaculture industry in Delaware's Inland Bays through regulatory revisions that enhance lease conditions for bivalve shellfish cultivation.

Based on the Record developed by the Department's experts in the DFW, and established by the Hearing Officer's Report, I find that the proposed amendments to 7 DE Admin. 3801 - *Shellfish Aquaculture*, are well-supported. I further find that the Department's experts fully developed the record to support adoption of these proposed Amendments. Accordingly, I hereby adopt the Hearing Officer's Report and direct that the proposed amendments be promulgated as final.

The following reasons and conclusions are entered:

1. The Department has the statutory basis and legal authority to act with regard to this proposed regulatory promulgation, pursuant to 7 *Del. C.* § 2002, 2005(a) & 2006(d) & (e);
2. The Department has jurisdiction under its statutory authority, pursuant to 7 *Del.C.* Chapter 60, to issue an Order adopting these proposed Amendments as final;
3. The Department provided adequate public notice of the proposed Amendments, all proceedings in a manner required by the law and regulations, and provided the public with an adequate opportunity to comment on the same, including at the time of the public hearing held on March 25, 2025, and during the 15 days subsequent to the hearing (through April 9, 2025), before making any final decision;
4. Promulgation of the proposed Amendments to 7 DE Admin. 3801 - *Shellfish Aquaculture* will enable the Department to 1) reduce the planting and harvesting requirements, (2) modify gear-marking requirements, and (3) streamline in-state hatchery import permitting processes;
5. The Department has reviewed the proposed Amendments in light of the *Regulatory Flexibility Act*, consistent with 29 *Del.C.* Ch. 104, and believes the same to be lawful, feasible, and desirable. The Department does not anticipate additional costs to the aquaculture industry as a result of these changes;
6. The Department has reviewed this proposed regulatory promulgation in the light of 7 *Del.C.* §10003 and 29

*Del.C. §10118(b)(3)* and has determined that any impact of this regulation on the achievement of the State of Delaware's greenhouse gas emissions reduction targets will be *de minimis*;

7. The Department's proposed regulatory Amendments, as published in the March 1, 2025, *Delaware Register of Regulations*, as set forth in Appendix "A" hereto, are adequately supported, are not arbitrary or capricious, and are consistent with the applicable laws and regulations. Therefore, they should be approved as final regulatory Amendments, which shall go into effect ten days after their publication in the next available issue of the *Delaware Register of Regulations*;
8. The Department shall submit the proposed Amendments as final regulatory amendments to the *Delaware Register of Regulations* for publication in its next available issue and provide such other notice as the law and regulation require, and the Department determines is appropriate; and
9. The Department shall serve and publish its Order on its internet site.

Gregory Patterson   April 26, 2025  
Secretary

**\*Please note that no changes were made to the regulation as originally proposed and published in the March 2025 issue of the *Register* at page 657 (28 DE Reg. 657). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

**<https://regulations.delaware.gov/register/june2025/final/28 DE Reg 886 06-01-25.htm>**



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# GENERAL NOTICES

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## DEPARTMENT OF TRANSPORTATION

### DIVISION OF TRANSPORTATION SOLUTIONS

#### Traffic Operation Section

Statutory Authority: 21 Delaware Code, Section 4505(d)(1) (21 **Del.C.** §4505(d)(1))

#### NOTICE

#### Senate Bill 89 as amended by Senate Amendment 1 - (Philadelphia Pike - N24)

April 3, 2025

Yvette Smallwood  
Registrar of Regulations  
411 Legislative Avenue  
Dover, DE 19901

Ms. Smallwood,

The Delaware General Assembly introduced Senate Bill 89 as amended by Senate Amendment 1 on March 18, 2021. The legislation which relates to traffic control devices for size and weight of vehicles and loads was subsequently signed by Governor Carney on June 30, 2021.

The legislation, which amends §4505 of Title 21 of the Delaware Code, provides as follows:

§4505. Traffic control devices.

(d)(1) The Secretary of the Department shall submit an order issued under subsection (c) of this section to the Registrar of Regulations for publication in the *Register of Regulations*. The Secretary shall also publish the order on the Department's website with other similar orders.

In accordance with 21 **Del. C.** §4505(d)(1), notice is hereby given by the Delaware Department of Transportation, Traffic Operation Section, as approved and ordered by the Secretary of the Department of Transportation pursuant to 21 **Del. C.** §4505(c), for the following temporary traffic control device for the safe movement of traffic in the area:

"Trailers, semi-trailers, and recreational trailers unattached to a motor vehicle, shall be prohibited from stopping, standing, or parking" on Philadelphia Pike (N24) between Maple Lane and Governor Printz Blvd

Please accept this notification by the Delaware Department of Transportation in order to publish the information in the *Register of Regulations*.

Thank you,  
Peter Haag, P.E., PTOE  
Chief of Traffic Engineering

**DELAWARE RIVER BASIN COMMISSION****PUBLIC NOTICE**

The Delaware River Basin Commission will hold its quarterly business meeting on Wednesday, June 11, 2025, commencing at 10:30 a.m. The business meeting will take place in person in Easton, Pennsylvania, and will also be live-streamed. Details about the location and how to attend the meeting in person, as well as links to live streams of this event and an agenda, will be available on the DRBC website at <https://www.drbc.gov> at least ten (10) days prior to the meeting date, or by contacting 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****16000 Financial Methodologies - Application of Modified Adjusted Gross Income (MAGI) Methodology****Executive Order 36 Review and Reform of State Agency Regulations Part 1**

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 a periodic review of Division of Social Services Manual (DSSM), specifically, regulations promulgated three years ago or more for possible modification or elimination.

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 by mail 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, 2025. Please identify in the subject line: Executive Order 36 Review and Reform of State Agency Regulations Part 1.

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****50000 Chronic Renal Disease Program****Executive Order 36 Review and Reform of State Agency Regulations Part 2**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware**

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**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 a periodic review of Division of Social Services Manual (DSSM), specifically, regulations promulgated three years ago or more for possible modification or elimination.

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 by mail 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, 2025. Please identify in the subject line: Executive Order 36 Review and Reform of State Agency Regulations Part 2.

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**  
**Global Budget**

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 Global Budget, specifically, to amend the Whole Child Health Global Budget model for fee-for-services program populations.

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, 2025. Please identify in the subject line: Global Budget

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**  
**4303 Automatic External Defibrillation**

Pursuant to 16 **Del.C.** §9705(p)(1), the Department of Health and Social Services, Division of Public Health, Emergency Medical Services Section, is proposing revisions to the regulations governing automatic external defibrillation (16 **DE Admin. Code** 4301).

The proposed amendments will introduce several important changes to better serve and protect Delawareans. Changes include, but are not limited to, updates to the definitions section, AED/SAED deployment guidelines, and additional technical changes to bring the regulation into compliance with the *Delaware Administrative Code Style Manual*.

Copies of the proposed regulation are available for review in the June 1, 2025, 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 July 1, 2025. 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

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**DIVISION OF PUBLIC HEALTH**

**PUBLIC NOTICE**

**4458 State of Delaware Food Code Regulations**

Pursuant to 16 **Del.C.** §122(3)u.1, The Department of Health and Social Services, Division of Public Health, Health Systems Protection Section, is proposing revisions to the regulations governing the State of Delaware Food Code (16 **DE Admin. Code** 4458).

The proposed amendments will introduce several important changes to better serve and protect Delawareans. Changes include, but are not limited to, the adoption of the United States Public Health Service 2022 Food Code and additional technical changes to bring the regulation into compliance with the *Delaware Administrative Code Style Manual*.

Copies of the proposed regulation are available for review in the June 1, 2025 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 July 1, 2025. 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

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**DIVISION FOR THE VISUALLY IMPAIRED**

**PUBLIC NOTICE**

**9101 Rules and Regulations of the Statewide Contracts to Support Employment for Individuals with Disabilities**

Pursuant to 29 **Del.C.** §§7903(9) and 29 **Del.C.** 7929(a), the Department of Health and Social Services, Division for the Visually Impaired is proposing revisions to the Rules and Regulations of the Statewide Contracts to Support Employment for Individuals with Disabilities (16 **DE Admin. Code** 9101).

The proposed amendments will introduce several important changes to better serve and protect Delawareans. Technical changes are proposed to bring the regulation into compliance with the *Delaware Administrative Code Style Manual*.

Copies of the proposed regulation are available for review in the June 1, 2025 issue of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Division for the Visually Impaired at 302-255-9800.

Public comments will be accepted until 4:30 PM on July 1, 2025. Comments will be accepted in written form via email to [InfoDVI@delaware.gov](mailto:InfoDVI@delaware.gov) or by U.S. mail to the following address:

Deborah Talley, Director  
Division for the Visually Impaired

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1901 North Dupont Highway  
New Castle, DE 19720

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**DIVISION FOR THE VISUALLY IMPAIRED**  
**PUBLIC NOTICE**

**9102 Regulations for Set Aside Contracts**

Pursuant to 29 **Del.C.** §§7903(9) and 7929(a), the Department of Health and Social Services, Division for the Visually Impaired is proposing revisions to the Regulations for Set Aside Contracts (16 **DE Admin. Code** 9102).

The proposed amendments will introduce several important changes to better serve and protect Delawareans. Technical changes are proposed to bring the regulation into compliance with the *Delaware Administrative Code Style Manual*.

Copies of the proposed regulation are available for review in the June 1, 2025 issue of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Division for the Visually Impaired at 302-255-9800.

Public comments will be accepted until 4:30 PM on July 1, 2025. Comments will be accepted in written form via email to [InfoDVI@delaware.gov](mailto:InfoDVI@delaware.gov) or by U.S. mail to the following address:

Deborah Talley, Director  
Division for the Visually Impaired  
1901 North Dupont Highway  
New Castle, DE 19720

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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") proposes to introduce regulations concerning the establishment of the Healthy Delaware Families Act ("Act") and to set forth definitions, guidance, procedures, and standards for the implementation of the Act and its Family and Medical Leave Insurance Program ("PFML Insurance Program"). The Division of Paid Leave ("Division"), a separate division within the Department, is established and will administer the Act, Program, and this regulation.

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  
248 Chapman Road, Suite C  
Newark, DE 19702

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, 2025. 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 SAFETY AND HOMELAND SECURITY****OFFICE OF THE MARIJUANA COMMISSIONER****PUBLIC NOTICE****5001 Rules of the Office of the Marijuana Commissioner****Summary**

Pursuant to 4 **Del.C.** § 1331, the Office of the Marijuana Commissioner proposes to amend its Regulations. The purpose of the proposed regulations is to update and correct inaccurate Delaware Code references relating to criminal background checks and allow the Commissioner discretion to deny a license based on the results of the criminal background checks, and to update the serving size information for marijuana beverages.

**Comments**

The Office of the Marijuana Commissioner will accept written comments, which should be sent to Taylor Shannon, Delaware Office of the Marijuana Commissioner, 1128 South Bradford Street, Dover, DE 19904. Written comments may also be sent by email to [OMC@delaware.gov](mailto:OMC@delaware.gov).

In accordance with 29 **Del.C.** §10118(a), the final date to receive written comments will be August 1, 2025. Following the review of the public comment, the Office of Marijuana Commissioner will determine whether to adopt the proposed rules as originally published or make additional changes because of the public comments received.

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**POLICE OFFICER STANDARDS AND TRAINING COMMISSION****PUBLIC NOTICE****801 Regulations of the Delaware Council on Police Training**

The Police Officer Standards and Training Commission (POST), formerly the Council on Police Training (COPT), pursuant to 11 Del. C. 8404 (a)(14), proposes to amend 801 Regulations of the Delaware Council on Police Training. The proposed amendments, which were voted on during a public meeting of the COPT on April 6, 2025, seek to modify requirements regarding the number of qualification shoots for less lethal weapons and the number of rounds to be used for shotgun qualifications. The amendments also replace references to COPT with POST.

The POST will allow for the submission of written comments, suggestions, or other materials regarding the proposed rules to the POST Attn: Amishia Bucknor, POST Administrator, 1128 S. Bradford Street, Dover, DE 19901 or e-mail [ameshia.bucknor@delaware.gov](mailto:ameshia.bucknor@delaware.gov). Any written submission in response to this notice and the relevant proposed regulations must be received by the COPT no later than 4:30 p.m. (EST) on July 1, 2025. 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).

**DECISION AND ORDER CONCERNING THE REGULATIONS**

NOW THEREFORE, under the statutory authority and for the reasons sent forth above, the POST does hereby ORDER that the regulations be, and that they hereby are, proposed to be enacted as set forth below.

Joshua Bushweller, Chairman POST

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STATE BUREAU OF IDENTIFICATION  
PUBLIC NOTICE

Firearms Transaction Approval Program Regulations

The Delaware State Bureau of Identification, pursuant to 11 Del.C. §8572(f), proposes regulations to enforce and administer the Firearms Transaction Approval Program.

The Agency will accept written comments, which should be sent to the Director of SBI, 600 S. Bay Road, Dover, DE 19901. Written comments may also be sent by email to the following email address: [DSP\\_FTAP\\_Appeals@delaware.gov](mailto:DSP_FTAP_Appeals@delaware.gov). The Public Comment period will end on Thursday, July 3, 2025.

DEPARTMENT OF STATE  
DIVISION OF SMALL BUSINESS  
PUBLIC NOTICE

1901 The STEM Talent Advancement and Retention ("STAR") Fund

In compliance with the State's Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of 29 Del.C. §8705A, the Division of Small Business ("Division") proposes to promulgate new regulations regarding criteria and procedures governing the STEM Talent Advancement and Retention Fund.

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:

Jaimie Watts  
Deputy Director  
Division of Small Business  
99 Kings Highway  
Dover, DE 19901

Comments may also be directed via electronic mail to [business\\_finance@delaware.gov](mailto:business_finance@delaware.gov). Any written submission in response to this notice and relevant to the proposed rules must be received by the above contact at the Division of Small Business no later than 4 p.m. EST, July 1, 2025.

The action concerning determination of whether to adopt the proposed regulations will be based upon the Division's consideration of the written comments and any other written materials filed by the public.