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# Delaware Register of Regulations

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Issue Date: May 1, 2025

Volume 28 - Issue 11, Pages 769-821

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Errata

Regulations:  
Proposed  
Final

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 April 15, 2025.

*Cover Photo*  
*Nemours Estate*  
*Arun Reddy*

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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The *Delaware Register* will publish any regulations that are proposed to be adopted, amended or repealed and any emergency regulations promulgated.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and other interested parties may participate in the process by which administrative regulations are adopted, amended or repealed, and may initiate the process by which the validity and applicability of regulations is determined.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

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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*.

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

ISSUE DATE	CLOSING DATE	CLOSING TIME
June 1	May 15	4:30 p.m.
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.

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The regulations are listed alphabetically by the promulgating agency, followed by a citation to that issue of the *Register* in which the regulation was published. Proposed regulations are designated with (Prop.); Final regulations are designated with (Final); Emergency regulations are designated with (Emer.); and regulations that have been repealed are designated with (Rep.).

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**DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL  
CONTROL****DIVISION OF FISH AND WILDLIFE**

Statutory Authority: 7 Delaware Code, Sections 102, 103, 758, and 801 (7 **Del.C.** §§102, 103,  
758 & 801)

**7 DE Admin. Code 3900**

**ERRATA****3900 Wildlife**

\* **Please Note:** The Department of Natural Resources and Environmental Control, Division of Fish and Wildlife, regulation 7 **DE Admin. Code** 3900 Wildlife, was published as proposed in the *Delaware Register of Regulations*, 27 **DE Reg.** 318 (11/01/23), and as final in the *Delaware Register of Regulations*, 27 **DE Reg.** 874 (05/01/24). The following provision was inadvertently published incorrectly:

Subsection 16.2.3 was published as:

- 16.2.3 Based upon the criteria prescribed by subsection 16.2.2 of this section, the following species are declared endangered in this State and are afforded the protection provided by ~~§ 601 of Title 7~~ **Del.C. §601:**

.....

Birds

.....

Sparrow, Saltmarsh (*Ammospiza caudacuta*)

Subsection 16.2.3 should have read:

- 16.2.3 Based upon the criteria prescribed by subsection 16.2.2 of this section, the following species are declared endangered in this State and are afforded the protection provided by ~~§ 601 of Title 7~~ **Del.C. §601:**

.....

Birds

.....

Sparrow, Saltmarsh (*Ammospiza caudacuta*)

The effective date for the final order and regulation appearing in the May 2024 *Register* remains the same. For the current version of 3900 Wildlife, see:

<https://regulations.delaware.gov/AdminCode/title7/3000/3900/3900.shtml>

**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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**DELAWARE STATE FIRE PREVENTION COMMISSION**

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Statutory Authority: 16 Delaware Code, Sections 6604(1) and 6612 (16 **Del.C.** §§6604(1) & 6612)

**1 DE Admin. Code 701**

**PUBLIC NOTICE****701 Administration and Enforcement**

The Delaware State Fire Prevention Commission, pursuant to 16 *Del. C.* § 6604(1), proposes to revise regulation 701. This is an update to a regulation that has existed for many years. Some of the changes clean up exceptions and notes that have now been incorporated into the regulation as subsections. The update also cleans up order of events through the regulation.

The Commission will accept written comments, which should be sent to Sherry Lambertson, Executive Director for the Delaware Fire Prevention Commission, Delaware Fire Service Center, 1463 Chestnut Grove Road, Dover, DE 19904. Written comments may also be sent by email to the following email address: [fire.commission@delaware.gov](mailto:fire.commission@delaware.gov). The Public Comment period will end on June 6, 2025. The Commission will also hold a public hearing on Wednesday, May 21, 2025 at the Delaware Fire Service Center, 1463 Chestnut Grove Road, Dover, DE 19904 at 9:00am.

**\*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/may2025/proposed/28 DE Reg 782RFA 05-01-25.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/may2025/proposed/28 DE Reg 782 05-01-25.htm>



**DELAWARE STATE FIRE PREVENTION COMMISSION**

Statutory Authority: 16 Delaware Code, Sections 6604(1) and 6612 (16 **Del.C.** §§6604(1) & 6612)

**PUBLIC NOTICE****701A Permits and Submissions**

The Delaware State Fire Prevention Commission, pursuant to 16 *Del. C.* § 6604(1), proposes regulation 701A. Portions of 1 **DE Admin. Code** 701 are being moved to this new regulation to assist in the administration of the Commission's regulations. This updates a regulation that has existed for many years. Some of the changes clean up exceptions and notes that have now been incorporated into the regulation as subsections. The update also cleans up order of events through the regulation.

The Commission will accept written comments, which should be sent to Sherry Lambertson, Executive Director for the Delaware Fire Prevention Commission, Delaware Fire Service Center, 1463 Chestnut Grove Road, Dover, DE 19904. Written comments may also be sent by email to the following email address: [fire.commission@delaware.gov](mailto:fire.commission@delaware.gov). The Public Comment period will end on June 6, 2025. The Commission will also hold a public hearing on Wednesday, May 21, 2025 at the Delaware Fire Service Center, 1463 Chestnut Grove Road, Dover, DE 19904 at 9:00am.

**\*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/may2025/proposed/28 DE Reg 783RFA 05-01-25.pdf](https://regulations.delaware.gov/register/may2025/proposed/28%20DE%20Reg%20783RFA%2005-01-25.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/may2025/proposed/28 DE Reg 783 05-01-25.htm](https://regulations.delaware.gov/register/may2025/proposed/28%20DE%20Reg%20783%2005-01-25.htm)

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**DEPARTMENT OF EDUCATION****OFFICE OF THE SECRETARY**

Statutory Authority: 14 Delaware Code, Section 122(b)(26) (14 **Del.C.** §122(b)(26))  
14 **DE Admin. Code** 614

**PUBLIC NOTICE****Educational Impact Analysis Pursuant to 14 *Del.C.* §122(d)****614 Uniform Definitions for Student Conduct Which May Result in Alternative Placement or Expulsion****A. TYPE OF REGULATORY ACTION REQUIRED**

Amendment to Existing Regulation

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

Pursuant to 14 **Del.C.** §122(b)(26), the Delaware Department of Education developed amendments to 14 **DE Admin. Code** 614 Uniform Definitions for Student Conduct Which May Result in Alternative Placement or Expulsion. This regulation is being amended pursuant to 29 **Del.C.** §10407 which requires regulations to be reviewed on a recurring basis every four years. The proposed amendments include adding suspensions to the title of the regulation and Section 1.0, updating the general definitions related to student conduct in Section 2.0,

changing Section 3.0 to add definitions for alleged criminal conduct in Attorney General's reports, and adding Section 4.0., which updates the definitions used by school districts and charter schools in Student Codes of Conduct.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, 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 June 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 regulation help improve student achievement as measured against state achievement standards? The amended regulation does not specifically address the improvement of student achievement as measured against state achievement standards.

2. Will the regulation help ensure that all students receive an equitable education? The amended regulation is not designed to help ensure all students receive an equitable education.

3. Will the regulation help to ensure that all students' health and safety are adequately protected? The amended regulation will help ensure all students' health and safety are adequately protected by providing definitions for student conduct which may result in suspension, alternative placement or expulsion.

4. Will the regulation help to ensure that all students' legal rights are respected? The amended regulation helps to ensure that all students' legal rights are respected by providing definitions for student conduct which may result in suspension, alternative placement or expulsion.

5. Will the regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The amended regulation does not change the decision making at the local board and school level.

6. Will the 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 any unnecessary reporting or administrative requirements or mandates on decision makers.

7. Will the decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The regulation does not change the decision making authority and accountability for addressing the subject to be regulated. By statute, the Department promulgates regulations governing the uniform definitions for student conduct which may result in alternative placement or expulsion.

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 new regulation is consistent with and not an impediment to the implementation of other state educational policies.

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

10. What is the cost to the State and to the local school boards of compliance with the regulation? There is no cost to the state and 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/may2025/proposed/28 DE Reg 783aRFA 05-01-25.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/may2025/proposed/28 DE Reg 783a 05-01-25.htm>

**OFFICE OF THE SECRETARY**

Statutory Authority: 14 Delaware Code, Section 303 (14 **Del.C.** §303)  
14 **DE Admin. Code** 1040

**PUBLIC NOTICE****Educational Impact Analysis Pursuant to 14 Del. C. §122(d)****1040 DIAA Out-of-Season and Summer Athletic Activities and Contact****A. TYPE OF REGULATORY ACTION REQUESTED**

Amendment to Existing Regulation

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

Pursuant to 14 **Del.C.** §303, the Delaware Interscholastic Athletic Association Board of Directors ("Board") proposes amendments to 14 **DE Admin. Code** 1040 DIAA Out-of-Season and Summer Athletic Activities and Contact. The proposed amendments clarify the parameters for out-of-season contact and coaching permitted for interscholastic athletics. The proposed changes add definitions for, *inter alia*, camps and clinics, clubs, and travel teams. The proposed changes set for when the regulation applies and further clarifies when no high school athletic participation is permitted. Finally, the proposed changes provide greater detail as to what is permitted in regard to out-of-season camps, clinics, leagues, and workouts.

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 June 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 amended regulation concerns out-of-season athletic participation and is not designed to help improve student achievement as measured against state achievement standards.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation concerns out-of-season athletic participation and is designed to improve or have no effect on the receipt of an equitable education.

3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation concerns out-of-season athletic participation and is designed to improve or have no effect on student health and safety.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The proposed change will have no effect on students' legal rights.

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation will have no effect on the authority and flexibility of decision makers at the local board and school level.

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 Board enforces the regulations relating to interscholastic athletics in Delaware (14 **Del.C.** §304).

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 will have no effect on 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 compliance with the 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/may2025/proposed/28 DE Reg 785RFA 05-01-25.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/may2025/proposed/28 DE Reg 785 05-01-25.htm>

## OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 303 (14 Del.C. §303)  
14 DE Admin. Code 1043

### PUBLIC NOTICE

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

**1043 Officials**

#### A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

#### B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 Del.C. §303, the Delaware Interscholastic Athletic Association Board of Directors ("Board") proposes amendments to 14 DE Admin. Code 1043 Officials. The regulation concerns the requirements for DIAA-recognized officials' associations, requirements for officials who officiate at DIAA Member Schools, and the fees for officiating contests and competitions. The Board proposes to amend the rates for officiating scrimmages and contests.

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 June 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 amended regulation concerns officials' fees and is not designed to help improve student achievement as measured against state achievement standards.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation concerns officials' fees and is not designed to have any effect on the receipt of an equitable education.

3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation concerns officials' fees and is designed to improve or have no effect on student health and safety.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The proposed change will have no effect on students' legal rights.

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The DIAA has sole authority over establishing "the fee for officiating a contest or competition" under 14 **Del.C.** §304(6).

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 will not change 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 Board enforces the regulations relating to interscholastic athletics in Delaware. 14 **Del.C.** §304.

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 will have no effect on 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? This change will result in a minimal cost increase to schools in order to fairly compensate sports officials at a rate commensurate with other states and associations.

**\*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/may2025/proposed/28 DE Reg 786RFA 05-01-25.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/may2025/proposed/28 DE Reg 786 05-01-25.htm>

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**PROFESSIONAL STANDARDS BOARD**

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), 1305(o), and 1305(l) (14 **Del.C.** §§1203, 1205(b), 1305(o) & 1305(l))  
14 **DE Admin. Code** 1501

**PUBLIC NOTICE**

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

**1501 Salary Supplement for Educators**

**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), 1305(o) and 1305(l), the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 1501 Salary Supplements for Educators. The regulation concerns the requirements for salary supplements for educators in accordance with 14 **Del.C.** §1305. The proposed amendments in this regulation include amendments to definitions to include induction coach, induction coordinator and lead induction coach, and revising Section 5.0, which concerns additional responsibility assignment requirements. The proposed amendments 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 June 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? In accordance with 14 **Del.C.** §1305(o), the national certifications in Section 4.0 and the additional responsibility assignment in Section 5.0 are intended to lead to improvements in teacher effectiveness and student achievement.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation addresses salary supplements for educators and is not designed to help ensure students receive an equitable education.

3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation addresses salary supplements for educators 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 salary supplements for educators 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.

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. The Board is not proposing any changes to Section 6.0, which provides that an educator is responsible for providing information to the employing school or district to verify the educator has fulfilled the requirements for an additional responsibility assignment salary supplement for mentors.

7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? By statute (14 **Del.C.** §1305(b)), the Department implements the rules and regulations promulgated and adopted pursuant to 14 **Del.C.** Ch. 12.

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.

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? The proposed amendments are consistent with the FY25 Appropriations Act (Senate Bill 325) that went into effect on June 30, 2024.

**\*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/may2025/proposed/28 DE Reg 787RFA 05-01-25.pdf>

## 1501 Salary Supplement for Educators

### 1.0 Content

- 1.1 The following requirements shall be met in order to receive the salary supplements established by 14 **Del.C.** §1305. This regulation shall apply to the awarding of salary supplements as a percentage of the State portion of an ~~Educator's~~ educator's annual salary paid in accordance with the provisions of 14



**Del.C.** §1305 for gaining knowledge and skills that lead to more effective instruction, for achieving national certification from the National Board for Professional Teaching Standards or from an equivalent program, and for accepting ~~Additional Responsibility Assignments~~ additional responsibility assignments that impact student achievement.

- 1.2 Supplements are available subject to an annual appropriation from the General Assembly.

## 2.0 Definitions

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

**"Additional responsibility assignments"** means additional assignments for ~~Educators~~ educators that are academic in nature and that impact student achievement. For purposes of this regulation and pursuant to 14 **Del.C.** §1305(n), extracurricular or noninstructional supervisory activities are specifically excluded from additional responsibility assignments.

**"Administrator mentor"** means a certified administrator who holds ~~a Continuing License~~ an active Continuing or Advanced License issued by the Department under 14 **Del.C.** Ch. 12, is currently employed as an administrator, performs the duties and responsibilities in the State's administrator mentor program, and is rated as satisfactory on the State's current evaluation system or ~~the equivalent thereof~~ on a state-approved alternative educator evaluation system. A certified administrator is an educator who holds at least ~~one~~ 1 of the following Standard Certificates: School Principal and Assistant School Principal ~~Standard Certificate~~ (14 **DE Admin. Code** 1591), Certified Central Office Personnel ~~Standard Certificate~~ (14 **DE Admin. Code** 1592), Superintendent and Assistant Superintendent ~~Standard Certificate~~ (14 **DE Admin. Code** 1593), and Special Education Director ~~Standard Certificate~~ (14 **DE Admin. Code** 1594), and Charter School Leader (14 **DE Admin. Code** 1596).

**"Base salary"** means the salary earned by an educator as determined by the educator's level of education and years of service on the Delaware educators' salary schedule pursuant to 14 **Del.C.** §1305.

**"Department"** means the Delaware Department of Education.

**"Educator"** means a person licensed and certified by the State under 14 **Del.C.** Ch. 12 to engage in the practice of instruction, administration, or other related professional support services in Delaware public schools, including charter schools, pursuant to the rules and regulations developed by the Professional Standards Board, in consultation and cooperation with the Department, and approved by the State Board of Education. The term 'educator' does not include substitute teachers.

**"Induction coach"** means a person who holds an active Continuing or Advanced License issued by the Department under 14 **Del.C.** Ch. 12 and is certified and employed as a teacher or a specialist at a school district or charter school in Delaware and has participated in the training for coaches of teachers and specialists required by the Department and the employing authority. Teachers and specialists serving as coaches are those who have satisfactory evaluations on the State's current evaluation system or on a state-approved alternative educator evaluation system during the school year in which they coach and are not on an improvement plan. Coaches are selected by the employing authority to provide support for teachers and specialists in years 1 and 2 of the comprehensive educator induction program.

**"Induction coordinator"** means a person appointed by an employing authority to annually submit and oversee an approved comprehensive educator induction program for teachers and specialists for the school district or charter school and serve as a liaison between the employing authority and the Department.

**"Knowledge and skills"** means understandings and abilities that, when acquired by educators, lead to more effective instruction.

**"Lead induction coach"** means a person who holds an active Continuing or Advanced License issued by the Department under 14 **Del.C.** Ch. 12 and is certified and employed as a teacher at a school district or charter school in Delaware and has participated in the training for lead coaches of teachers and specialists required by the Department and the employing authority. Teachers serving as lead induction coaches have satisfactory evaluations on the State's current evaluation system, or on a

state-approved alternative educator evaluation system during the school year in which the individual is the lead induction coach and are not on an improvement plan. In addition, the lead induction coach is selected by the employing authority to oversee the comprehensive educator induction program at the building level and is an active part of the site induction team. The lead induction coach provides guidance and professional learning to induction coaches and support to teachers and specialists in years 3 and 4 of the program.

**"National certification"** means an Educator has achieved and maintains a current national certification as provided in 14 Del.C. §1305(I).

**"Salary supplement"**, when referring to knowledge, skills, national certification, and additional responsibility-based responsibility-based supplements, means additional State salary as described in 14 Del.C. §1305.

~~**"Teacher or Specialist Lead Mentor"** means a teacher or specialist who holds a Continuing or Advanced License, has participated in the training approved by the Department for Teacher or Specialist Lead Mentors, is employed by an employing authority as a Teacher or Specialist Lead Mentor, and performs the duties and responsibilities assigned to that position. Educators serving as Teacher or Specialist Lead Mentors must have all satisfactory evaluations on the State's current evaluation system, or the equivalent thereof on a state-approved alternative educator evaluation system, during the school year in which they are mentors and may not be on an improvement plan, or the equivalent therefore in a state-approved alternative educator evaluation system. Teacher or Specialist Lead Mentors oversee the comprehensive induction program at the building level, train Teacher or Specialist Mentors, and provide support to teachers or specialists in years 3 and 4 of the program. Teacher or Specialist Lead Mentors may mentor an educator in years 1 and 2 of the program.~~

~~**"Teacher or Specialist Mentor"** means an educator who holds a Continuing or Advanced License and has participated in the training for mentors of teachers and specialists specified by the Department and the employing authority. Educators serving as Teacher or Specialist Mentors must have satisfactory evaluations on the State's current evaluation system, or the equivalent thereof on a state-approved alternative educator evaluation system, during the school year in which they are mentors and may not be on an improvement plan, or the equivalent therefore in a state-approved alternative educator evaluation system. Teacher or Specialist Mentors provide 1 to 1 support for educators in years 1 and 2 of the program.~~

### 3.0 Knowledge and Skills Salary Supplements

Currently, there are not any approved knowledge and skills salary supplements.

### 4.0 National Certification

- 4.1 An educator may receive a salary supplement for achieving and currently maintaining the following certifications as provided in 14 Del.C. §1305(I):
  - 4.1.1 National Board Certification from the National Board for Professional Teaching Standards;
  - 4.1.2 Certificate of Clinical Competence in Audiology (CCC-A) or Certificate of Clinical Competence Speech-Language Pathology (CCC-SLP) from the American Speech-Language-Hearing Association;
  - 4.1.3 National Certified School Counselor from the National Board for Certified Counselors;
  - 4.1.4 Music Therapist – Board Certified (MT-BC) from the Certification Board for Music Therapists;
  - 4.1.5 Nationally Certified School Psychologist (NCSP) from the National Association of School Psychologists;
  - 4.1.6 Nationally Certified School Nurse (NCSN) from the National Board for Certification of School Nurses;
  - 4.1.7 School-based physical therapists who have passed the National Physical Therapy Exam (NPTE) as administered by the Federation of State Boards of Physical Therapy (FSBPT); or

- 4.1.8 Occupational Therapist Advanced Certification from the American Occupational Therapy Association or the Occupational Therapist Registered from the National Board for Certification in Occupational Therapy.
- 4.2 In order to be eligible for a national certification salary supplement, the educator shall maintain current certification through the applicable national organization.
- 4.3 An educator who is employed as a superintendent, assistant superintendent, or director or in a non-instructional area of transportation, finance/business management, human resources/personnel management, purchasing, community/public relations, administrative services, pupil services, audiology, occupational therapist, physical therapist, psychologist, speech language pathologist, human relations, nurse, social work/services, information technology, or a specialized assignment comparable to these non-instructional areas shall not be eligible for a salary supplement for national certification from the National Board for Professional Teaching Standards.
- 4.4 An educator who achieves and maintains national certification shall receive an annual salary supplement equal to 12% of the educator's base salary for the certification in subsection 4.1.1 or 6% of the educator's base salary for the certifications in subsections 4.1.2 through 4.1.8.

## **5.0 Additional Responsibility Assignments**

- 5.1 Additional responsibility assignments shall be:
- 5.1.1 Focused on school improvement issues that impact student achievement;
- 5.1.2 Supported by high quality, targeted professional development; and
- 5.1.3 Academic in nature.
- 5.2 In order to qualify for an additional responsibility assignment salary supplement, an educator shall have completed the State approved training program for the position or, in the absence of a training program, shall meet the criteria set forth for the position by the State, school district, charter school, or other employing authority and shall provide State, school district, charter school, or other employing authority approved levels of service, participate in designated activities throughout the period of responsibility, ~~and document the satisfactory fulfillment of the specified assignment~~ assignment, and remain employed by the employing authority at which the service was performed.
- 5.3 Additional responsibility assignment salary supplements may be renewed.
- 5.4 The following assignments are currently ~~an~~ approved additional responsibility ~~assignment~~ assignments:
- 5.4.1 ~~Administrator Mentor, Teacher or Specialist Lead Mentor, and Teacher or Specialist Mentor mentor, induction coordinator, lead induction coach, and induction coach in years 1 and 2 of the program who are paid in accordance with the provisions of 14 Del.C. §1305 as provided in 14 DE Admin. Code 1503 Comprehensive Educator Induction Programs.~~
- 5.4.2 An induction coach is not eligible for and shall not be paid an additional responsibility assignment salary supplement if the induction coach is assigned to a teacher or specialist who, at the employing authority's discretion, is required to repeat year 1 or year 2 of the program or is assigned beyond year 2 of the program.
- 5.4.2.1 For the purpose of subsection 5.4.2, "teacher" means a person who holds an active educator's license issued by the Department under 14 Del.C. Ch. 12, is currently employed at a school district or charter school in Delaware, and meets students on a regularly scheduled basis, plans and delivers instruction, develops or prepares instructional materials, and evaluates student performance and includes individuals who hold the School Library Media Specialist Standard Certificate (14 DE Admin. Code 1580) or School Reading Specialist Standard Certificate (14 DE Admin. Code 1581).
- 5.4.2.2 For the purpose of subsection 5.4.2, "specialist" means a person who holds an active educator's license issued by the Department under 14 Del.C. Ch. 12 to engage in other related professional support services, is currently employed at a school district or charter school in Delaware, and holds at least 1 of the following Standard Certificates: Elementary School Counselor (14 DE Admin. Code 1522), Secondary School Counselor (14 DE

# PROPOSED REGULATIONS

Admin. Code 1545), School Nurse (14 DE Admin. Code 1582), School Psychologist (14 DE Admin. Code 1583), School Social Worker (14 DE Admin. Code 1584) School Behavior Analyst (14 DE Admin. Code 1585), or School Behavior Analyst Assistant (14 DE Admin. Code 1586).

## 6.0 Educators' Eligibility for Salary Supplements

~~Additional Responsibility Assignments~~ responsibility assignments. An educator shall provide the school district, charter school, or other employing authority with such information as may be required to enable the school district, charter school, or other employing authority to verify that the educator has fulfilled the requirements of subsection 5.2 of this regulation.

## 7.0 Payment of Salary Supplements

~~Salary Supplements for Additional Responsibility Assignments~~ supplements for additional responsibility assignments. Salary supplements earned by educators who are paid in accordance with the provisions of 14 Del.C. §1305 as a result of fulfilling additional responsibility assignments shall be effective following receipt by the Department of documentation from the school district, charter school, or other employing authority of satisfactory completion of the duties associated with the additional responsibility assignment and shall be paid annually.

## 8.0 Limits on Salary Supplements

Salary supplements shall be paid to an ~~Educator~~ educator in accordance with the provisions of 14 Del.C. §1305.

### PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1210(f) (14 Del.C. §§1203, 1205(b) & 1210(f))  
14 DE Admin. Code 1559

### PUBLIC NOTICE

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

### 1559 Skilled and Technical Sciences Teacher

#### 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 1210(f), the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 DE Admin. Code 1559 Skilled and Technical Sciences Teacher. The regulation concerns the requirements for a Skilled and Technical Sciences Teacher Standard Certificate in accordance with 14 Del.C. §1220. The proposed amendments in this regulation include revising the definition for regionally accredited, adding application requirements for a criminal background check in subsection 5.2, renumbering Section 6.0, and adding Section 11.0. The proposed amendments 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 June 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

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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 education, knowledge, and skill requirements in Section 4.0 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 education, knowledge, and skill requirements in Section 4.0 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 a standard certificate for educators 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 a standard certificate for educators 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 a Skilled and Technical Sciences Teacher Standard Certificate 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. The application requirements in Section 5.0 apply to individual applicants. In addition, the requirements in Section 10.0 apply to individual applicants and educators.

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 and 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/may2025/proposed/28 DE Reg 792RFA 05-01-25.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/may2025/proposed/28 DE Reg 792 05-01-25.htm>

**PROFESSIONAL STANDARDS BOARD**

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 **Del.C.** §§1203, 1205(b) & 1220)  
14 **DE Admin. Code** 1582

**PUBLIC NOTICE****Educational Impact Analysis Pursuant to 14 Del. C. §122(d)****1582 School Nurse****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** 1582 School Nurse. The regulation concerns the requirements for a School Nurse Standard Certificate in accordance with 14 **Del.C.** §1220. The proposed amendments in this regulation include revising the definition of regionally accredited, adding application requirements for a criminal background check in subsection 6.2, renumbering Section 7.0, and adding Section 12.0. The proposed amendments 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 June 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 education, knowledge, and skill requirements in Section 4.0 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 education, knowledge, and skill requirements in Section 4.0 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 education, knowledge, and skill requirements in Section 4.0 are designed to ensure all students' health and safety are adequately protected.
4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses a standard certificate for educators 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 a School Nurse Standard Certificate 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. Section 6.0 is consistent with the statute.
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.



The application requirements in Section 6.0 apply to individual applicants. In addition, the requirements in Section 10.0 apply to individual applicants and educators.

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 and 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/may2025/proposed/28 DE Reg 794RFA 05-01-25.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/may2025/proposed/28 DE Reg 794 05-01-25.htm>

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## **DEPARTMENT OF HEALTH AND SOCIAL SERVICES**

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

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

#### **PUBLIC NOTICE**

##### **Lactation**

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 Lactation, specifically, to add language to the Medicaid State Plan regarding lactation counseling services for pregnant and postpartum individuals.

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 June 2, 2025. Please identify in the subject line: Lactation

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 Lactation.

**Statutory Authority**

- 42 CFR §447
- 42 C.F.R. § 431.635

**Background**

Improving the health of the population and reducing preventable causes of poor health, such as obesity, is a priority of the Department of Health and Human Services (HHS) and the Centers for Medicare & Medicaid Services (CMS). The American Academy of Pediatrics, the World Health Organization, and the U.S. Dietary Guidelines for Americans recommend exclusive breastfeeding for the first 6 months of an infant's life. They go further to recommend the continuation of breastfeeding for up to 12 to 24 months of age or longer while introducing appropriate complementary foods. On January 20, 2011, the United States Surgeon General released "The Surgeon General's Call to Action to Support Breastfeeding." This report indicates that there is a 32% higher risk of childhood obesity and a 64% higher risk of type 2 diabetes for children who are not breastfed. An extensive body of research supports these assertions and provides evidence of the positive effects of breastfeeding on both short- and long-term infant and maternal health. Breastfeeding also serves additional advantages for low-birth-weight infants. Human milk consumption is associated with a reduction in sepsis infections and gastrointestinal illnesses among very low birth weight newborns in the neonatal intensive care unit (NICU).

The U.S. Preventive Services Task Force (USPSTF) specifically recommends coordinated interventions throughout pregnancy, birth, and infancy to increase breastfeeding initiation, duration, and exclusivity. Such recommended interventions include formal breastfeeding education for mothers and families, direct support of the mother during breastfeeding observations, and the training of health professional staff about breastfeeding and techniques for breastfeeding support. The opportunity to promote and provide support for breastfeeding occurs many times throughout the interactions that women have with various types of health care providers during and after pregnancy.

Due to the multiple health benefits associated with breastfeeding, CMS encourages States to go beyond the requirement of solely coordinating and referring enrollees to the Special Supplemental Food Program for Women, Infants, and Children (WIC) (established in 42 C.F.R. § 431.635) and include lactation services as separately reimbursed pregnancy-related services. Due to lactation services not specifically mentioned in the Medicaid statute or Federal Medicaid regulations, not all States separately reimburse lactation services as pregnancy-related services. Delaware Medicaid and Medical Assistance (DMMA) currently supports lactation counseling when provided as part of a pregnant or postpartum individual's inpatient stay. DMMA would like to expand this coverage and to separately reimburse lactation counseling services provided in outpatient settings for pregnant and postpartum individuals when such services are ordered by a licensed practitioner, operating within the scope of their license, and provided by a certified lactation consultant.

**Summary of Proposal***Purpose*

The purpose of this proposed regulation is to add language to the Medicaid State Plan regarding lactation counseling services for pregnant and postpartum individuals.

*Summary of Proposed Changes*

Effective May 1, 2025, the DHSS/DMMA proposes to amend Title XIX Medicaid State Plan to clarify lactation services.

*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 June 2, 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**

	Federal Fiscal Year 2025	Federal Fiscal Year 2026
General (State) funds	\$13,782	\$82,693
Federal funds	\$19,833	\$118,997

**\*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/may2025/proposed/28 DE Reg 795RFA 05-01-25.pdf>**

Attachment 4.19-B  
Page 4

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
STATE/TERRITORY: **DELAWARE**  
METHODS AND STANDARDS FOR ESTABLISHING PAYMENT RATES - OTHER TYPES OF CARE  
PREVENTIVE SERVICES

Lactation Counseling

Lactation counseling services are reimbursed using the billing fee schedule for lactation counseling services found on the Delaware Medical Assistance Program (DMAP) website. The fee schedule rate was set as of ~~June 2, 2017~~ May 1, 2025, and is effective for services provided on or after that date.

Except as otherwise noted in the plan, fee schedule rates are the same for both governmental and private providers of these services. The fee schedule and any annual periodic adjustments to these rates are published on the Delaware Medical Assistance Program (DMAP) website at:  
<https://medicaid.dhss.delaware.gov/provider>

Lactation counseling services and qualified providers are defined per Attachment 3.1-A, Page 6 Addendum 1i and Attachment 3.1-A, Page 6 Addendum 1j.

TN No. SPA #17-006 <u>25-0003</u>	Approval Date: <del>August 24, 2017</del>
Supersedes	
TN No. SPA # <del>15-003</del> <u>17-006</u>	Effective Date: <del>June 2, 2017</del> <u>May 1, 2025</u>

**DIVISION OF MEDICAID AND MEDICAL ASSISTANCE**Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)**PUBLIC NOTICE****Physician Administered Drugs**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del. C.** §512, Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend Title XIX Medicaid State Plan Attachment 4.19-B page 14, specifically, to reimburse physician administered drugs with the Medicare fee schedule rate.

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 June 2, 2025. Please identify in the subject line: Physician Administered Drugs.

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 Physician Administered Drugs.

**Statutory Authority**

- Executive Order 14087

**Background**

The Cell and Gene Therapy (CGT) Access Model aims to improve the lives of people with Medicaid living with rare and severe diseases by increasing access to potentially transformative treatments. Cell and gene therapies have high upfront costs but have the potential to reduce health care spending over time by addressing the underlying causes of disease, reducing the severity of illness, and reducing health care utilization. Initially, the model will focus on access to gene therapy treatments for people living with sickle cell disease, a genetic blood disorder that disproportionately affects Black Americans. This is an amended State Plan Amendment to Cellular and Gene Therapy that was published in the *Register* as final January 1, 2025. This amendment is to clarify the reimbursement process that will be used to calculate payment for physician administered drugs (PAD). We are not expecting any change in pricing for PAD medications.

**Summary of Proposal***Purpose*

The purpose of this proposed regulation is to update the reimbursement methodology of physician administered drugs.

*Summary of Proposed Changes*

Effective July 1, 2025, the DHSS/DMMA proposes to amend Title XIX Medicaid State Plan to reimburse physician administered drugs with the Medicare fee schedule rate.

*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 June 2, 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**

	Federal Fiscal Year 2025	Federal Fiscal Year 2026
General (State) funds	\$1,700,000	\$1,700,000
Federal funds	\$1,700,000	\$1,700,000

**\*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/may2025/proposed/28 DE Reg 798RFA 05-01-25.pdf>**

Attachment 4.19-B  
Page 14

## STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT STATE/TERRITORY: **DELAWARE** METHODS AND STANDARDS FOR ESTABLISHING PAYMENT RATES - OTHER TYPES OF CARE REIMBURSEMENT FOR PHARMACEUTICALS

### Overview

The Delaware Medical Assistance Program (DMAP) will reimburse pharmaceuticals using the lower of:

1. All prescribed drugs, including DMAP covered non-legend and legend products that are prescribed by an authorized prescriber, DMAP will reimburse using the following hierarchy methodology.

- National Average Drug Acquisition Cost (NADAC); if no NADAC,

### National Average Drug Acquisition Cost (NADAC);

- Delaware Maximum Allowable Cost, (DMAC) which includes all types of medication, including specialty and hemophilia products). If no NADAC or DMAC.
- Wholesale Acquisition Cost (WAC) plus 0% for legend and WAC minus 2% for non-legend.
  - ▲ ~~Wholesale Acquisition Cost (WAC), or WAC for legend~~
  - ▲ ~~WAC minus 2% for non-legend~~
- The usual and customary charge submitted by the provider if it is lower.

2. Federal Supply Schedule purchased drugs will be reimbursed at the provider's actual acquisition cost (AAC). AAC is defined as the providers' submitted invoice cost.

3. Drugs acquired at Nominal Price (outside of 340B or Fee for Service) will be reimbursed at the provider's acquisition cost.

4. Long-term care pharmacy providers supplying covered drugs to participants in long-term care facilities shall be reimbursed as outlined in items 1-3 above in this section.

5. Drugs not distributed by a retail community pharmacy and distributed primarily through a Specialty Pharmacy, or the mail (such as specialty drugs) will be reimbursed as outlined in items 4-6 1-3 above in this section. DMAC is ~~market-based~~ market-based and includes all drug types.

6. Clotting factors from Specialty ~~Pharmacies~~, Pharmacies and Hemophilia Treatment Centers (HTC) will be reimbursed as outlined in items 1-3 in this section.

7. Physician Administered Drugs (PAD) will be reimbursed using the Medicare Fee Schedule.

8. Investigational Drugs that are prior authorized by DMAP will be reimbursed at provider's AAC.

The High Investment Medication list is available on the state's Medicaid website.

Delaware will pay for High Investment list medications, including cellular and gene therapy medication, as listed on the state's website by ~~using~~ using the lesser of AAC or the Medicare fee schedule.

DMAP will meet the reimbursement of ~~FUL~~ Federal Upper Limit (FUL) defined drugs in the aggregate by reviewing that the NADAC does not exceed the FUL levels.

TN No. SPA # 24-0014 25-005

Approval Date: ~~June 2, 2027~~

Supersedes

TN No. SPA # 17-002 24-0014

Effective Date: ~~January 1, 2017~~ July 1, 2025

Attachment 4.19-B

Page 14 cont.

Entities that purchase Section 340B of the Public Health Service Act products must request to use these drugs for all DMAP patients, including Medicaid fee-for-service patients and for patients whose care is covered by Medicaid Managed Care Organizations.

#### Professional Dispensing Fee

There is one-time professional dispensing fee per thirty (30)-day period unless the class of drugs is routinely prescribed for a limited number of days.

The professional dispensing fee for ~~covered outpatient~~ prescribed drugs is \$10.00.

The professional dispensing fee for specialty drugs-mailed and clotting factors is \$27.00.

TN No. SPA # 24-0014 25-005

Approval Date: ~~June 2, 2027~~

Supersedes

TN No. SPA # 17-002 24-0014

Effective Date: ~~January 1, 2017~~ July 1, 2025



## DEPARTMENT OF STATE

### DIVISION OF PROFESSIONAL REGULATION

#### Board of Registration for Professional Land Surveyors

Statutory Authority: 24 Delaware Code, Section 2706(a)(1) (24 Del.C. §2706(a)(1))  
24 DE Admin. Code 2700

#### PUBLIC NOTICE

#### 2700 Board of Registration for Professional Land Surveyors

Pursuant to 24 Del.C. §2706(a)(1), the Delaware Board of Professional Land Surveyors ("Board") has proposed revisions to its rules and regulations. Among the Board's powers and duties, articulated in 24 Del.C. §2706(c), is that it may establish minimum technical or general standards to regulate the practice of land surveying within the State.

The new subsection 9.7 permits individuals licensed as an intern to extend the period available to those individuals to apply for an additional intern license to fulfill the complete requirements to upgrade over the course of a period longer than 4 years, subject to the conditions proposed.

The new subsection 9.8 allows for registration with the Board as a professional land surveyor emeritus, under certain conditions.

The revised subsection 12.3.1 would make the rules consistent with current National Geodetic Survey standards.

The other proposed amendments reflect technical and style changes consistent with the *Delaware Administrative Code Drafting and Style Manual*.

The Board will hold a public hearing on the proposed regulation changes on June 17, 2025, at 8:30 a.m. in the second-floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Professional Land Surveyors, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address or at [Jennifer.Witte@delaware.gov](mailto:Jennifer.Witte@delaware.gov).

In accordance with 29 Del.C. §10118(a), the final date to receive written comments will be July 2, 2025. The Board will deliberate on the public comments at its next regularly scheduled meeting thereafter.

**\*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/may2025/proposed/28 DE Reg 801RFA 05-01-25.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/may2025/proposed/28 DE Reg 801 05-01-25.htm>

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

Statutory Authority: 24 Delaware Code, Section 3706(a)(1) (24 **Del.C.** §3706(a)(1))  
24 **DE Admin. Code** 3700

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

The Delaware Board of Speech/Language Pathologists, Audiologists and Hearing Aid Dispensers ("Board"), pursuant to 24 **Del.C.** §3706(a)(1), proposes to amend its regulation.

On December 1, 2024, proposed revisions to the regulation were published in the *Delaware Register of Regulations*, Volume 28, Issue 6. The revisions implemented SB No. 320, 152nd General Assembly, enacted September 19, 2024. SB No. 320 creates a licensure category for speech/language pathology assistants. The proposed amendments set forth requirements for licensure and supervision of speech/language pathology assistants.

A public hearing was held on January 21, 2025 before the Board. The Board deliberated on the evidence presented at its meeting on February 18, 2025. Based on those deliberations, the Board has proposed further revisions to the regulation. Therefore, the Board withdraws the proposed regulation published December 1, 2024, and submits a revised proposed regulation attached as Exhibit A.

The Board will hold a public hearing on the proposed regulation changes on June 17, 2025, at 2:00 p.m., virtually and in the Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Anyone wishing to receive a copy of the proposed regulation may obtain a copy from the Delaware Board of Speech/Language Pathologists, Audiologists and Hearing Aid Dispensers, 861 Silver Lake Boulevard, Dover, Delaware 19904. Written comments should be sent to Jessica Lobaccaro, Administrative Specialist for the Board, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904 or at [jessica.lobaccaro@delaware.gov](mailto:jessica.lobaccaro@delaware.gov). Written comments will be accepted until **July 2, 2025** pursuant to 29 **Del. C.** §10118(a).

**Summary of the Evidence and Information Submitted**

Following publication of the Public Notice in the *Delaware Register of Regulations* on December 1, 2024, a public hearing was held on January 21, 2025. The written comment period was held open for thirty days, and an additional fifteen days following the public hearing. There was no testimony presented at the hearing. The Board accepted as evidence and marked the following as the Board's Exhibits:

**Board Exhibit 1:** Affidavit of publication of the public hearing notice in the *News Journal*.

**Board Exhibit 2:** Affidavit of publication of the public hearing notice in the *Delaware State News*.

**Board Exhibit 3:** February 4, 2025 email from S. Celestin.

**Board Exhibit 4:** January 27, 2025 email from L. Merrick.

**Findings of Fact and Conclusions**

1. The public was given notice and an opportunity to provide the Board with comments in writing and by testimony at the public hearing on the proposed amendments to the Board's regulation.

2. The Board considered written comments from Sarah Celestin. Ms. Celestin suggested a revision which would permit a speech/language pathology assistant ("SLPA") to attend student IEP meetings. The Board declined to

make the suggested change on the basis that the regulation addresses SLPAs in all practice settings, not just schools. Ms. Celestin also suggested revision to the supervision ratio in proposed subsection 14.7. The Board declined to increase the ratio of one-to-one supervision at this time. This issue may be revisited in the future once SLPAs are licensed and practicing. Finally, Ms. Celestin requested clarification of the term "medically fragile." The Board agreed with this comment and has provided a definition of this term in the revised regulation.

3. The Board considered written comments from Liz Merrick. Ms. Merrick disagreed with the prerequisite ASHA certification for SLPA licensure, which is a statutory requirement and not subject to revision in regulation. 24 **Del.C.** §3708(a)(4). Ms. Merrick also offered comments on the terms "competency evaluations" and "ongoing education" used in subsections 14.5.2.3 and 14.5.2.4, respectively. These terms have been revised in the updated regulation proposal in the interests of clarity. Ms. Merrick further stated her view that subsections 14.6.3 and 14.6.4 were redundant. The Board found that these subsections addressed distinct subjects and both were needed. Ms. Merrick also requested clarification of subsections 14.6.5 and 14.6.6 pertaining to supervision and documentation of supervision. The Board agreed that clarification was needed and revised these subsections accordingly. Ms. Merrick also posed questions regarding the term "medically fragile" which has been defined in the updated regulation. Finally, Ms. Merrick requested revision to the supervision ratio for SLPAs, which the Board declined to do at this time.

7. Pursuant to 24 **Del.C.** §3706(a)(1), the Board has the statutory authority to promulgate regulations. The public was given notice and an opportunity to provide the Board with comments in writing and by testimony on the proposed amendments to the Board's regulation. The Board considered written comments presented by stakeholders. On the basis of public comment, the Board made certain revisions to the proposed regulation. Therefore, the proposed regulation, published on December 1, 2024, is withdrawn. The Board's proposed regulation is attached hereto as Exhibit A.

**\*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/may2025/proposed/28 DE Reg 802RFA 05-01-25.pdf>

## 3700 Board of Examiners of Speech/Language Pathologists, Audiologists & Hearing Aid Dispensers (Break in Continuity of Sections)

### 14.0 Speech/Language Pathology Assistants

14.1 Definitions. The following words and terms, when used in Section 14.0 of this regulation, have the following meaning:

**"Direct supervision"** means in-view observation and guidance while the speech/language pathology assistant (SLPA) is performing a clinical activity. This can include the supervising speech/language pathologist (supervising SLP) viewing and communicating with the SLPA via telecommunication technology as the SLPA provides clinical services which allows the supervising SLP to provide ongoing immediate feedback. Direct supervision does not include reviewing an audio or video recorded session later.

**"Indirect supervision"** means the monitoring or reviewing of an SLPA's activities outside of observation and guidance during direct services provided to a student, patient, or client. Indirect supervision activities performed by the supervising SLP may include demonstration, records review, review and evaluation of audio or video recorded sessions, and interactive conferences that may be conducted by telephone, email, or other forms of telecommunication, such as virtual platforms.

**"Medically fragile"** means an individual who is acutely ill and in an unstable health condition.

14.2 Licensure Requirements. To be eligible for a license as a speech/language pathology assistant, the applicant must hold current speech/language pathology assistant's certification (C-SLPA) through ASHA or its successor or another organization acceptable to the Board.

14.3 Scope of Practice for SLPA. The SLPA may only perform tasks as prescribed, directed and supervised by a licensed supervising SLP.

14.4 The SLPA shall not self-identify, either verbally, in writing, or by signage, as an SLP.

14.5 Requirements for Supervising SLP

14.5.1 Prior to beginning supervision of an SLPA, the supervising SLP must meet the following requirements:

14.5.1.1 Hold an active Delaware license in good standing.

14.5.1.2 Complete a minimum of 2 years of post-permanent licensure experience obtained in any state.

14.5.1.3 Complete a minimum of 2 hours of continuing education in clinical supervision obtained prior to beginning supervision.

14.5.2 Throughout supervision of an SLPA, the supervising SLP must comply with the following standards:

14.5.2.1 Adhere to the principles and rules of the ASHA Code of Ethics (ASHA, 2016a).

14.5.2.2 Adhere to applicable licensure laws and rules and regulations regarding the practice of speech/language pathology.

14.5.2.3 Conduct ongoing checks of the SLPA's skills and competency.

14.5.2.4 Provide ongoing feedback, demonstration, education and training opportunities for the SLPA consistent with competency and skills required to meet the needs of the clients served.

14.5.2.5 Develop, review, and modify treatment plans for clients that the SLPA implements under the supervision of the SLP.

14.5.2.6 Make all case management decisions.

14.5.2.7 Adhere to the supervisory responsibilities for SLPs.

14.5.2.8 Retain legal and ethical responsibility for all students, patients, and clients served.

14.6 Supervision Requirements

14.6.1 The supervising SLP is responsible for providing appropriate and adequate supervision of the SLPA to ensure that services are appropriate, meet practice standards and are administered competently.

14.6.2 The supervising SLP must consider client needs and the SLPA's knowledge and skills to determine what constitutes appropriate supervision, which may be more than the minimum state requirements.

14.6.3 The supervising SLP must ensure that the SLPA only performs those activities that are defined as appropriate for the level of training and experience and in accordance with applicable state requirements.

14.6.4 If the SLPA exceeds the practice role that has been defined for them, the supervising SLP must intervene to correct the actions of the SLPA as needed.

14.6.5 The supervising SLP must accurately document and regularly record all supervisory activities, both direct and indirect, at the supervising SLP's discretion.

14.6.6 Minimum ongoing supervision must include direct supervision provided by the supervising SLP for each student, patient, or client at least every 90 days (depending on frequency of visits/sessions and setting).

14.6.7 The SLP can adjust the amount of supervision if they determine that the SLPA has met appropriate competencies and skill levels in treating students, patients, and clients who have a variety of communication disorders.

14.6.8 Supervision of the SLPA may be indirect, at the discretion of the supervising SLP, except that 100% direct supervision of SLPAs for medically fragile students, patients, or clients is required.

14.6.9 The supervising SLP is responsible for designing and implementing a written supervisory plan, which ensures that the SLP maintains the highest standard of quality care for students, patients, and clients.

14.6.10 An SLPA may not perform tasks when a supervising SLP cannot be reached by personal contact, that is, phone, pager, or other immediate or electronic means. If a supervising SLP is not available,

then the SLPA may not perform assigned tasks until an ASHA-certified or state-licensed SLP with experience and training in supervision has been designated as the new supervising SLP.

14.6.11 A supervising SLP who will be unable to supervise an SLPA for more than 1 week will need to inform the SLPA of the planned absence and notify the employer or site administrator that other arrangements need to be made for the SLPA's supervision of services while the supervising SLP is unavailable.

14.7 Supervision ratio. A supervising SLP may supervise no more than 1 SLPA at any given time.

**\*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/may2025/proposed/28 DE Reg 802 05-01-25.htm>**

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## DIVISION OF PROFESSIONAL REGULATION

### Board of Massage and Bodywork

Statutory Authority: 24 Delaware Code, Section 5306(a)(1) (24 **Del.C.** §5306(a)(1))  
24 **DE Admin. Code** 5300

#### PUBLIC NOTICE

#### 5300 Board of Massage and Bodywork

Pursuant to 24 **Del.C.** §5306(a)(1), the Delaware Board of Massage and Bodywork ("Board") has proposed revisions to its regulation. The revisions include striking certain definitions in Section 2.0 because hour requirements for licensure have been revised statutorily. Section 6.0 pertaining to licensure of certified massage technicians is stricken in that the Board is no longer issuing these licenses. Subsection 9.4.2.9 is revised to strike the online option for completion of continuing education which was applicable during the COVID-19 pandemic. The definitions in subsection 12.1 are revised to clarify that businesses licensed pursuant to another chapter of Title 24 are not exempt from the establishment licensure requirements.

A public hearing will be held on June 26, 2025 at 1:30 p.m. in the second floor conference room B of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Massage and Bodywork, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address or at [jazmine.peebles@delaware.gov](mailto:jazmine.peebles@delaware.gov).

In accordance with 29 **Del.C.** §10118(a), the final date to receive written comments will be July 11, 2025. The Board will deliberate on all of the public comments at its regularly scheduled meeting.

**\*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/may2025/proposed/28 DE Reg 805RFA 05-01-25.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/may2025/proposed/28 DE Reg 805 05-01-25.htm>**

## 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.

**DEPARTMENT OF AGRICULTURE****DELAWARE NUTRIENT MANAGEMENT COMMISSION**

Statutory Authority: 3 Delaware Code, Sections 2201(5), 2220(a), and 2250(a) (3 **Del.C.** §§2201(5), 2220(a), and 2250(a))

**ORDER****1204 Nutrient Management Turf Specific Regulations****I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED**

The Delaware Nutrient Management Commission, pursuant to 3 **Del.C.** §§ 2201(5) and 2220(a), proposed to adopt regulation 3 **DE Admin. Code** 1204 Nutrient Management Turf Specific Regulations to regulate the application of nutrients to turf, including home and commercial lawns, over ¼ acre in size. The proposed regulations exclude athletic fields, golf courses, residential lots less than ¼ acre in size, and land used in the production for sale of sod or seed and only applies to commercial nutrient handlers who are paid to apply such nutrients.

Notice of the proposed regulation was published in the *Register of Regulations* on March 1, 2025. The Commission received two written public comments. On March 26, 2025, Richard Thurman, the President of AC Plant & Turf submitted a letter to the Board objecting to section 6.0, which limits the application of nitrogen to one pound per 1,000 square feet. Mr. Thurman noted that enhanced efficiency fertilizers allow for applications of high amounts of nitrogen while "reducing runoff, leaching, and volatilization." Mr. Thurman suggested the Commission adopt an exemption to the limit based on the release rate of nitrogen of enhanced efficiency fertilizers. In addition, Jack Harrell III, President of Harrell's, LLC submitted written comment specifically objecting to subsections 6.1.1.1 and 6.1.1.2 pertaining to nitrogen application limits when enhanced efficiency fertilizers are utilized. Mr. Harrell explained the technology associated with POLYON, a product exclusively manufactured by Harrell's, and noted that the one pound per 1,000 square feet rate "limits the use of modern technology." Mr. Harrell suggested the Board amend the proposed subsections to state, "[n]itrogen release from an enhanced efficiency fertilizer source

such as controlled release nitrogen products, cannot exceed a cumulative 1 lb. N per 1000 sq. ft. throughout any consecutive 4-week period following application."

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

The Nutrient Management Commission 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 neutral or positive impact on the State's resiliency to climate change because compliance with the regulation would not reasonably involve the increase in greenhouse gas emissions.

## III. FINDINGS OF FACTS

On April 1, 2025, the Nutrient Management Commission considered the written submittals. The Commission noted that most of the fertilizers being used on turf are enhanced efficiency fertilizers, which use technology similar to that referred to in Mr. Harrell's public comment. The Commission researched other states' rates and involved stakeholders in the process of developing this regulation. Over the course of approximately a year, the committee, including Commission members who represent the golf course/lawn care industry, a community-based environmental advocacy group representative, and the commercial nursery industry did not receive any negative feedback as to the proposed rates. The regulation was developed to mirror that of neighboring state Maryland, as Maryland has had a successful turf regulation program for many years. The Committee also noted that under Subsection 6.1, anyone who seeks to apply nitrogen or phosphorous outside of the limits or restrictions set forth therein, may submit a nutrient management plan in order to do so. If such rates of application are borne out by the data, a nutrient management plan would reflect that and allow for such application. Finally, the Commission addressed the environmental argument within the public comments. The Commission noted that this regulation is slightly less stringent than Maryland's and that it is not environmentally sound to apply such high rates of nitrogen in the inland bay areas, regardless of whether enhanced efficiency fertilizers are used. If the one pound per 1,000 square feet limit were loosened, it would undercut the purpose of the new law and purpose of the Commission. 3 *Del. C.* §§ 2201 and 2220. As such, the Commission voted to approve and adopt **3 DE Admin. Code 1204 Nutrient Management Turf Specific Regulations**.

## IV. DECISION TO ADOPT THE REGULATION

For the foregoing reasons, the Commission concludes that it is appropriate to adopt **3 DE Admin. Code 1204 Nutrient Management Turf Specific Regulations**. Therefore, pursuant to 3 **Del.C.** §§ 2201(5) 2220(a), **3 DE Admin. Code 1204 Nutrient Management Turf Specific Regulations**, attached hereto as Exhibit A, are hereby adopted.

## V. TEXT AND CITATION

The text of **3 DE Admin. Code 1204 Nutrient Management Turf Specific Regulations** adopted hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as **3 DE Admin. Code 1204 Nutrient Management Turf Specific Regulations** in the *Administrative Code of Regulations* for the Department.

## VI. EFFECTIVE DATE OF ORDER

The effective date of this Order shall be ten (10) days from the date this Order is published in the *Register of Regulations*.

**IT IS SO ORDERED** the 1<sup>st</sup> day of April 2025.

### Delaware Nutrient Management Commission

/s/ F. Kenneth Blessing, Jr., Chairman	/s/ Tak Keen
/s/ Mark Adkins	/s/ Alan Bailey
/s/ Kenneth Horeis	/s/ Tyler Brown
/s/ Anna Fagan	/s/ N. Wayne Hudson
/s/ Jon Nichols, Jr.	/s/ Garry Killmon
/s/ Francis J. O'Neill, III	



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

### **1204 Nutrient Management Turf Specific Regulations**

#### **1.0 PREAMBLE**

This regulation has been developed pursuant to 3 Del.C. Ch. 22. That statute established the Delaware Nutrient Management Commission and authorized the Commission to develop, review, approve, and enforce nutrient management regulations, including regulations governing the application of nutrients to turf. This regulation was developed by the Commission and the Delaware Department of Agriculture. It is adopted with the guidance, advice, and consent of the Commission.

#### **2.0 Authority**

This regulation is promulgated pursuant to the authority provided by 3 Del.C. §§2201(5), 2220(a), and 2250(a).

#### **3.0 Purpose**

The purpose of this regulation is to establish requirements for nutrient applications, record keeping, and enforcement pertaining to turf pursuant to 3 Del.C. §2250.

#### **4.0 Definitions**

For purposes of this regulation, the following words or terms shall have the following meaning:

"Applying", or any derivation of the word "apply", as it relates to the application of nutrients, means the human controlled mechanical conveyance of nutrients to land for the purpose of applying organic or inorganic nutrients.

"Certification" means the recognition by the Commission that a person has met the qualification standards established by the Commission and has been issued a written certificate authorizing such person to perform certain functions specified in this regulation.

"Commercial nutrient handler" means a person in this State who applies, uses, or supervises the application of organic or inorganic nutrients to turf or land as a component of a commercial or agricultural business in exchange for a fee or service charge.

"Commission" or "DNMC" means the Delaware Nutrient Management Commission.

"Enhanced efficiency fertilizer" means a fertilizer product that increases plant uptake and decreases the potential of nutrient loss to the environment, including gaseous loss, leaching, or runoff, when compared to an appropriate reference fertilizer product.

"Person" means any individual, partnership, association, fiduciary, or corporation or any organized group of persons, whether incorporated or not.

"State Nutrient Management Program" or "SNMP" means all the nutrient management program elements developed by the Commission, whether or not reduced to rules or regulations.

"Turf" means residential, commercial, and publicly owned lands planted in closely mowed and managed grass. Turf does not include athletic fields, golf courses, residential lots less than 1/4 acre (10,890 square feet) in size, or land used in the production for sale of sod or seed.

"Waterways" means all tidal waters (up to the mean high water line) as well as all non-tidal rivers, streams, lakes, ponds, bays, and inlets (up to the ordinary high water line).

"Wetlands" means those lands above the mean low water elevation including any bank, marsh, swamp, meadow, flat, or other low land subject to tidal action in the State of Delaware along the Delaware Bay and Delaware River, Indian River Bay, Rehoboth Bay, Little and Big Assawoman Bays, the coastal inland waterways, or along any inlet, estuary, or tributary waterway or any portion of those waterways, including those areas which are now or in this century have been connected to tidal waters, whose surface is at or below an elevation of 2 feet above local mean high water, and upon which may grow or is capable of growing any of the following plants:

Eelgrass (*Zostera marina*), Widgeon Grass (*Ruppia maritima*), Sago Pondweed (*Potamogeton pectinatus*), Saltmarsh Cordgrass (*Spartina alterniflora*), Saltmarsh Grass (*Spartina cynosuroides*), Saltmarsh Hay (*Spartina patens*), Spike Grass (*Distichlis spicata*), Black Grass (*Juncus gerardii*), Switch Grass (*Panicum virgatum*), Three Square Rush (*Scirpus americanus*), Sea Lavender (*Limonium carolinianum*), Seaside Goldenrod (*Solidago sempervirens*), Seablite (*Suaeda maritima*), Seablite (*Suaeda linearis*), Perennial Glasswort (*Salicornia virginica*), Dwarf Glasswort (*Salicornia Bigelovii*), Samphire (*Salicornia europaea*), Marsh Aster (*Aster Tenuifolius*), Saltmarsh Fleabane (*Pluchea purpurascens* var. *succulenta*), Mock Bishop's Weed (*Ptilimnium capillaceum*), Seaside Plantain (*Plantago oliganthus*), Orach (*Atriplex patula* var. *hastata*), Marsh Elder (*Iva frutescens* var. *oraria*), Groundsel Bush (*Baccharis halimifolia*), Bladderwrack (*Fucus vesiculosus*), Swamp Rose Mallow, Seaside Hollyhock or Marsh Mallow (*Hibiscus palustris*), Torrey Rush (*Scirpus torreyi*), Narrow-leaved Cattail (*Typha angustifolia*), and Broad-leaved Cattail (*T. latifolia*) and those lands not used for agricultural purposes in 1973, containing 400 acres or more of contiguous non-tidal swamp, bog, muck, or marsh exclusive of narrow stream valleys and tax ditches where fresh water stands most, if not all of the time due to high water table, which contribute significantly to ground water recharge, and which would require intensive artificial drainage using equipment such as pumping stations, drain fields or ditches for the production of agricultural crops.

## 5.0 Certification Requirements

Any person who applies, uses, or supervises the application of organic or inorganic nutrients to turf or land as a component of a commercial or agricultural business in exchange for a fee or service charge on or after January 1, 2027 must first be certified by the SNMP as a commercial nutrient handler.

## 6.0 Nutrient Handling Requirements

- 6.1 As required by Title 3, Chapter 22, nitrogen and phosphorus applied to turf in excess of ¼ acre (10,890 square feet) shall be applied according to the following, unless covered by a nutrient management plan as defined in 3 Del.C. §2202(15):
  - 6.1.1 Nitrogen applications shall not exceed 3.0 pounds per 1,000 square feet per annum or 1.0 pounds per 1,000 square feet per application unless:
    - 6.1.1.1 Enhanced efficiency fertilizers account for less than 70% of application products for a maximum of 3.5 pounds per 1,000 square feet per annum or 1.0 pounds per 1,000 square feet per application.
    - 6.1.1.2 Enhanced efficiency fertilizers account for more than 70% of application products for a maximum of 4.0 pounds per 1,000 square feet per annum or 1.0 pounds per 1,000 square feet per application.
  - 6.1.2 Phosphorus applications may only be applied if a soil test shows a phosphorus fertility index value under 100. The test must be taken for each new customer and annually in the 12-month period phosphorous will be applied.
- 6.2 Setbacks
  - 6.2.1 No nitrogen or phosphorus should be applied to impervious surfaces. Products that land on impervious surfaces must be swept back into the lawn or otherwise removed and properly disposed.
  - 6.2.2 No nitrogen or phosphorus may be applied within 15 feet of waterways or wetlands, unless using drop spreader, rotary spreader with deflector shield, or targeted spray, then may reduce setback to 10 feet.

## 7.0 Record Keeping

- 7.1 Commercial Nutrient Handlers applying nitrogen or phosphorus to turf shall record and keep a contemporaneously recorded log available for inspection at all times by the Secretary of the Delaware Department of Agriculture or the Secretary's designee, or the Commission.
- 7.2 The log must include:

- 7.2.1 Name of applicator;
- 7.2.2 Size of area fertilized;
- 7.2.3 Date of application;
- 7.2.4 Address and location of client;
- 7.2.5 Rate of application;
- 7.2.6 Total amount of fertilizer used per application;
- 7.2.7 Analysis of fertilizer product used; and
- 7.2.8 Original or legible copy of the fertilizer label.

## **8.0 Penalties**

- 8.1 Non-compliance with this regulation may result in an enforcement action, including imposition of fines, as described:
  - 8.1.1 First offense of non-compliance will result in education and opportunity to correct.
  - 8.1.2 Second offense of non-compliance will result in a monetary penalty of \$500.
  - 8.1.3 Third offense of non-compliance will result in a monetary penalty of \$1000.
  - 8.1.4 Certification suspension to be determined through hearing by the Commission.

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

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 **Del.C.** §§1203, 1205(b), & 1220)  
14 **DE Admin. Code** 1571

### **ORDER**

### **1571 Special Education Teacher of Students with Disabilities**

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

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** 1571 Special Education Teacher of Students with Disabilities. The regulation concerns the requirements for a Special Education Teacher of Students with Disabilities Standard Certificate in accordance with 14 **Del.C.** §1220. The proposed amendments in this regulation include adding subsection 4.1.2 which outlines added literacy coursework as required by 14 **Del.C.** §1280 (c)(3). Additional proposed amendments include, in Section 2.0, revising the definition of "Regionally Accredited" based on the changes the U.S. Department of Education made to its recognition of accrediting bodies, amending the definition of the term "Employing Authority" to eliminate a redundant phrase, and amending subsection 3.2 to eliminate a redundant phrase. The proposed amendments include grammatical and style changes to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Notice of the proposed regulation was published in the *Register of Regulations* on March 1, 2025. The Board received one written submittal from Ann C. Fisher, Chairperson of the Governor's Advisory Council for Exceptional Citizens ("GACEC"). GACEC expressed support for the amendments but asked whether the requirements were for all programs, how the new requirements would consider literacy instruction from a previous certification, and how literacy hours would be calculated when instruction is not in a course title or is addressed across several courses.

#### **II. 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.

### **III. FINDINGS OF FACTS**

On April 3, 2025, the Board considered the written submittal. The Board found that the regulation as written covers all traditional and alternative pathways into special education. It also takes into consideration whether an applicant has taken literacy coursework for any previous certification, so that an applicant would not need to take redundant coursework. Finally, all programs that lead to elementary and early childhood certificates with dual certification in special education have been vetted by the Department for proper literacy instruction throughout each program as part of the Educator Preparation Program approval process. The Board determined not to make any changes as a result of the written submittal and voted to propose 14 **DE Admin. Code** 1571 Special Education Teacher of Students with Disabilities, in the form attached hereto as Exhibit A, for adoption by the Department subject to the State Board of Education's approval.

The Department finds that the proposed amendments to the regulation are necessary to implement 14 **Del.C.** Ch. 12 and are designed to improve the quality of the Delaware educator workforce and to improve student performance. Accordingly, the Department finds that it is appropriate to amend 14 **DE Admin. Code** 1571 Special Education Teacher of Students with Disabilities.

### **IV. DECISION TO AMEND THE REGULATION**

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 **DE Admin. Code** 1571 Special Education Teacher of Students with Disabilities subject to the State Board of Education's approval. On April 10, 2025, the State Board of Education approved amending 14 **DE Admin. Code** 1571 Special Education Teacher of Students with Disabilities. Therefore, pursuant to 14 **Del.C.** §§1203, 1205(b), and 1220, 14 **DE Admin. Code** 1571 Special Education Teacher of Students with Disabilities, attached hereto as Exhibit A, is hereby amended.

### **V. TEXT AND CITATION**

The text of 14 **DE Admin. Code** 1571 Special Education Teacher of Students with Disabilities amended hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as 14 **DE Admin. Code** 1571 Special Education Teacher of Students with Disabilities in the *Administrative Code of Regulations* for the Department.

### **VI. EFFECTIVE DATE OF ORDER**

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 10th day of April, 2025.

#### **Department of Education**

Cynthia Marten, Secretary of Education

Approved this 10th day of April, 2025.

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

(Absent) Shawn Brittingham, President

/s/ Deborah Stevens, Vice President

/s/ Meredith L. Griffin, Jr.

/s/ Rajalakshmi Lodhavia

/s/ Rev. Provey Powell, 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 644 (28 DE Reg. 644). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/may2025/final/28 DE Reg 810 05-01-25.htm>

### PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 **Del.C.** §§1203, 1205(b), & 1220)  
14 **DE Admin. Code** 1573

### ORDER

### 1573 Teacher of Students with Autism or with Severe Intellectual Disabilities

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

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** 1573 Teacher of Students with Autism or with Severe Intellectual Disabilities. The regulation concerns the requirements for a Teacher of Students with Autism or with Severe Intellectual Disabilities Standard Certificate in accordance with 14 **Del.C.** §1220. The proposed amendments in this regulation include adding subsection 4.1.2 which outlines added literacy coursework as required by 14 **Del.C.** §1280 (c)(3). Additional proposed amendments include, in Section 2.0, revising the definition of "Regionally Accredited" based on the changes the U.S. Department of Education made to its recognition of accrediting bodies, amending the definition of the term "Employing Authority" to eliminate a redundant phrase, incorporating other definitions into the body of the regulation, and amending subsection 3.2 to eliminate a redundant phrase. A requirement for criminal history disclosure upon application is included in subsection 5.2, and the Secretary of Education review provision is moved from Section 8.0 to Section 6.0. The proposed amendments include grammatical and style changes to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Notice of the proposed regulation was published in the *Register of Regulations* on March 1, 2025. The Board received one written submittal from Ann C. Fisher, Chairperson of the Governor's Advisory Council for Exceptional Citizens ("GACEC"). GACEC expressed support for the proposed amendments, but stated that students with severe intellectual disabilities and autism have specialized literacy needs and urged the PSB and the Department to carefully consider requirements for the related coursework or professional development to ensure that those needs are met.

#### II. 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.

#### III. FINDINGS OF FACTS

On April 3, 2025, the Board considered the written submittal. The Board found that the literacy requirements are necessary to implement 14 **Del.C.** §1280(c)(3). The Board determined not to make any changes as a result of the written submittal and voted to propose 14 **DE Admin. Code** 1573 Teacher of Students with Autism or with Severe Intellectual Disabilities, in the form attached hereto as Exhibit A, for adoption by the Department subject to the State Board of Education's approval.

The Department finds that the proposed amendments to the regulation are necessary to implement 14 **Del.C.** Ch. 12 and are designed to improve the quality of the Delaware educator workforce and to improve student performance. Accordingly, the Department finds that it is appropriate to amend 14 **DE Admin. Code** 1573 Teacher of Students with Autism or with Severe Intellectual Disabilities.

**IV. DECISION TO AMEND THE REGULATION**

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 **DE Admin. Code** 1573 Teacher of Students with Autism or with Severe Intellectual Disabilities subject to the State Board of Education's approval. On April 10, 2025, the State Board of Education approved amending 14 **DE Admin. Code** 1573 Teacher of Students with Autism or with Severe Intellectual Disabilities. Therefore, pursuant to 14 **Del.C.** §§1203, 1205(b), and 1220, 14 **DE Admin. Code** 1573 Teacher of Students with Autism or with Severe Intellectual Disabilities, attached hereto as Exhibit A, is hereby amended.

**V. TEXT AND CITATION**

The text of 14 **DE Admin. Code** 1573 Teacher of Students with Autism or with Severe Intellectual Disabilities amended hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as 14 **DE Admin. Code** 1573 Teacher of Students with Autism or with Severe Intellectual Disabilities in the *Administrative Code of Regulations* for the Department.

**VI. EFFECTIVE DATE OF ORDER**

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 10th day of April, 2025.

**Department of Education**

Cynthia Marten, Secretary of Education

Approved this 10th day of April, 2025.

**State Board of Education**

(Absent) Shawn Brittingham, President	/s/ Deborah Stevens, Vice President
/s/ Meredith L. Griffin, Jr.	/s/ Rajalakshmi Lodhavia
/s/ Rev. Provey Powell, 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 650 (28 DE Reg. 650). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

**<https://regulations.delaware.gov/register/may2025/final/28 DE Reg 812 05-01-25.htm>**

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**DEPARTMENT OF INSURANCE****OFFICE OF THE COMMISSIONER**

Statutory Authority: 18 Delaware Code, Section 311 (18 **Del.C.** §311)  
18 **DE Admin. Code** 1401

**REGULATORY IMPLEMENTING ORDER****1401 Medical Malpractice Review Panel Rules****I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED**

In the November 1, 2024 edition of the *Register of Regulations*, at 28 **DE Reg.** 369 (11/01/2024), the Commissioner of the Delaware Department of Insurance (Commissioner) published a notice of intent to repeal

Regulation 1401.

As discussed in the introductory paragraph of the proposal to repeal Regulation 1401, the use of medical review panels in medical negligence cases has become obsolete due to the passage of Senate Bill 208 by the 152<sup>nd</sup> General Assembly, which amended Chapter 68 of Title 18, fully repealing Subchapters III and V.

The Department received no public comments regarding the proposal.

## II. FINDINGS OF FACTS

The Commissioner finds that Regulation 1401, as proposed in the November 1, 2024 *Register of Regulations*, having been properly noticed and open for public comment, should be adopted for the reasons set forth in the proposal.

## III. ASSESSMENT OF IMPACT

The Commissioner has reviewed Regulation 1401 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.

## IV. DECISION TO ADOPT THE PROPOSED AMENDMENTS

For the foregoing reasons, the Commissioner concludes that it is appropriate to repeal 18 **DE Admin. Code** 1401, as discussed in the above Findings of Fact.

## V. EFFECTIVE DATE OF ORDER

The effective date of this Order shall be 10 days from the date this Order is published in the *Delaware Register of Regulations*.

**IT IS SO ORDERED.**

The 10 day of April, 2025.

Trinidad Navarro  
Commissioner  
Delaware Department of Insurance

\*Please note that no changes were made to the regulation as originally proposed and published in the November 2024 issue of the *Register* at page 369 (28 DE Reg. 369). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/may2025/final/28 DE Reg 813 05-01-25.htm>

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**DEPARTMENT OF STATE**  
**DIVISION OF PROFESSIONAL REGULATION**

**Board of Landscape Architecture**

Statutory Authority: 24 Delaware Code, Section 205(a)(1) (24 **Del.C.** §205(a)(1))  
24 **DE Admin. Code** 200

**ORDER**

**200 Board of Landscape Architecture**

On September 1, 2024, the Delaware Board of Landscape Architecture ("Board") published proposed changes to its regulation in the Delaware *Register of Regulations*, Volume 28, Issue 3. This notice further indicated that written comments would be accepted by the Board for thirty days, a public hearing would be held, and written comments would be accepted for fifteen days thereafter. After due notice in the *Register of Regulations* and two Delaware newspapers, a public hearing was held on November 14, 2024 at a regularly scheduled Board meeting to receive verbal comments regarding the Board's proposed amendments to its regulation. The Board deliberated on the proposed changes to the regulation at its meeting on March 24, 2025.

**Summary of the Evidence and Information Submitted**

At the time of the deliberations, the Board considered the following documents which were made part of the record:

**Board Exhibit 1** - Affidavit of publication of the public hearing notice in the News Journal; and

**Board Exhibit 2** - Affidavit of publication of the public hearing notice in the Delaware State News.

There was no verbal testimony given at the public hearing on November 14, 2024. No written comments were received by the Board during the initial thirty-day public comment period; nor were any written comments received after the public hearing during the fifteen-day 29 **Del.C.** § 10118(a) second public comment period.

**Findings of Fact and Conclusions**

1. The public was given notice and an opportunity to provide the Board with comments in writing and by testimony at the public hearing on the proposed amendments to the Board's regulation.
2. There were no public comments provided to the Board during the two written public comment periods, or the public hearing.
3. Pursuant to 24 **Del.C.** § 205(a)(1), the Board has statutory authority to promulgate rules and regulations clarifying specific statutory sections of its statute.
4. The proposed revisions to the regulation add an image of a sample seal for licensees to use as an example and eliminate the requirement that inactive licensees be required to renew their license while their license is inactive.
5. Having received no public comments, the Board finds no reason to substantively amend the regulations as proposed.
6. At the time of the hearing, a Board member noted that the version of the seal included in the proposed regulation was for registered architects, not registered landscape architects. As such, the Final Order includes a technical change reflecting that the seal is for the appropriate profession. Insofar as this change was made to an image, it was not possible to utilize bold and bracketing to reflect the change.

The Board 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 on the State's resiliency to climate change is not practical.

**Decision and Effective Date**

The Board hereby adopts the changes to its regulation as proposed, to be effective 10 days following publication of this Final Order in the *Register of Regulations*.

**Text and Citation**

The exact text of the regulation, as amended, is attached to this Final Order as Exhibit A.

**SO ORDERED** this 24th day of March 2025.

**BY THE DELAWARE BOARD OF LANDSCAPE ARCHITECTURE**

(ABSENT) Chad Carter RLA, President

/s/ Timothy Metzner, RLA

/s/ Adriene Davis, Public Member

/s/ Adrian Gurzau, Public Member

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

**\*Please Note: Due to the size of the final regulation, it is not being published here. A copy of the regulation is available at:**

**<https://regulations.delaware.gov/register/may2025/final/28 DE Reg 815 05-01-25.htm>**

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**DIVISION OF PROFESSIONAL REGULATION****Board of Podiatry**

Statutory Authority: 24 Delaware Code, Section 506(a)(1) (24 **Del.C.** §506(a)(1))  
24 **DE Admin. Code** 500

**ORDER****500 Board of Podiatry****FINAL ORDER ADOPTING REGULATION CHANGES**

The Delaware Board of Podiatry pursuant to 24 **Del.C.** § 506(a)(1), proposed to revise its regulations. The proposed amendments to regulation eliminate the requirement that an inactive license must be renewed biennially.

**SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED**

Following publication in the Delaware *Register of Regulations* on July 1, 2024, a public hearing was held on September 4, 2024, at a regularly scheduled meeting of the Delaware Board of Podiatry to receive verbal comments regarding the Board's proposed amendments to its regulations. No comments were submitted at that time. At the hearing, the Board accepted as evidence and marked the following as the Board's Exhibits:

**Board Exhibit 1** - Affidavit of publication of the public hearing notice in the News Journal;

**Board Exhibit 2** - Affidavit of publication of the public hearing notice in the Delaware State News;

**FINDINGS OF FACT AND CONCLUSIONS**

1. The public was given notice and an opportunity to provide the Board with comments in writing and by testimony at the public hearing on the proposed amendments to the Board's regulations.
2. There were no public comments provided to the Board during the two written public comment periods, or the public hearing.
3. Pursuant to 24 **Del.C.** § 506(a)(1) the Board has statutory authority to promulgate rules and regulations clarifying specific statutory sections of its statute.
4. The proposed changes eliminate the requirement that an inactive license must be renewed biennially.
5. The public was given notice and an opportunity to provide the Board with comments in writing and by testimony at the public hearing on the proposed changes to the Board's rules and regulations.
6. The Board 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.
7. Having received no public comments, the Board finds no reason to amend the regulations as proposed.

**DECISION AND ORDER CONCERNING THE REGULATIONS**

NOW THEREFORE, pursuant to 24 **Del.C.** § 506(a)(1) and for the reasons set forth above, the Board of Podiatry does hereby ORDER that the regulations be, adopted and promulgated as set forth in the Delaware *Register of Regulations*. The effective date of this Order is ten days from the date of its publication in the Delaware *Register of Regulations*, pursuant to 29 **Del.C.** § 10118(g). The new regulations are attached hereto as Exhibit A.

**SO ORDERED** this 2nd day of April 2025.

**Board of Podiatry**

/s/ Scott Reich, DPM, President  
/s/ Jason Kline, DPM

/s/ Valerie Lacey, Public Member  
/s/ Jennifer Armour, Public Member

**\*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 July 2024 issue of the *Register* at page 33 (28 DE Reg. 33). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

**<https://regulations.delaware.gov/register/may2025/final/28 DE Reg 816 05-01-25.htm>**

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

The Delaware River Basin Commission will hold a public hearing on Wednesday, May 7, 2025, commencing at 1:30 p.m. The public hearing will be conducted remotely. The draft docket decisions and draft resolutions that will be subjects of the public hearing, along with details about the remote platform and how to attend, will be posted on the Commission's website, <https://www.drbc.gov>, at least ten (10) days prior to the meeting date.

For additional information, including links to live streams of this event, please visit the DRBC website at <https://www.drbc.gov> or contact 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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**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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**DELAWARE STATE FIRE PREVENTION COMMISSION**  
**PUBLIC NOTICE****701 Administration and Enforcement**

The Delaware State Fire Prevention Commission, pursuant to 16 *Del. C.* § 6604(1), proposes to revise regulation 701. This is an update to a regulation that has existed for many years. Some of the changes clean up exceptions and notes that have now been incorporated into the regulation as subsections. The update also cleans up order of events through the regulation.

The Commission will accept written comments, which should be sent to Sherry Lambertson, Executive Director for the Delaware Fire Prevention Commission, Delaware Fire Service Center, 1463 Chestnut Grove Road, Dover, DE 19904. Written comments may also be sent by email to the following email address: [fire.commission@delaware.gov](mailto:fire.commission@delaware.gov). The Public Comment period will end on June 6, 2025. The Commission will also hold a public hearing on Wednesday, May 21, 2025 at the Delaware Fire Service Center, 1463 Chestnut Grove Road, Dover, DE 19904 at 9:00am.

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**DELAWARE STATE FIRE PREVENTION COMMISSION**  
**PUBLIC NOTICE****701A Permits and Submissions**

The Delaware State Fire Prevention Commission, pursuant to 16 *Del. C.* § 6604(1), proposes regulation 701A. Portions of 1 **DE Admin. Code** 701 are being moved to this new regulation to assist in the administration of the Commission's regulations. This updates a regulation that has existed for many years. Some of the changes clean

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up exceptions and notes that have now been incorporated into the regulation as subsections. The update also cleans up order of events through the regulation.

The Commission will accept written comments, which should be sent to Sherry Lambertson, Executive Director for the Delaware Fire Prevention Commission, Delaware Fire Service Center, 1463 Chestnut Grove Road, Dover, DE 19904. Written comments may also be sent by email to the following email address: [fire.commission@delaware.gov](mailto:fire.commission@delaware.gov). The Public Comment period will end on June 6, 2025. The Commission will also hold a public hearing on Wednesday, May 21, 2025 at the Delaware Fire Service Center, 1463 Chestnut Grove Road, Dover, DE 19904 at 9:00am.

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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**

#### **Lactation**

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 Lactation, specifically, to add language to the Medicaid State Plan regarding lactation counseling services for pregnant and postpartum individuals.

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 June 2, 2025. Please identify in the subject line: Lactation

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**

#### **Physician Administered Drugs**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del. C.** §512, Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend Title XIX Medicaid State Plan Attachment 4.19-B page 14, specifically, to reimburse physician administered drugs with the Medicare fee schedule rate.

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 June

2, 2025. Please identify in the subject line: Physician Administered Drugs.

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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**DEPARTMENT OF STATE**  
**DIVISION OF PROFESSIONAL REGULATION**  
**PUBLIC NOTICE**

**2700 Board of Registration for Professional Land Surveyors**

Pursuant to 24 **Del.C.** §2706(a)(1), the Delaware Board of Professional Land Surveyors ("Board") has proposed revisions to its rules and regulations. Among the Board's powers and duties, articulated in 24 **Del.C.** §2706(c), is that it may establish minimum technical or general standards to regulate the practice of land surveying within the State.

The new subsection 9.7 permits individuals licensed as an intern to extend the period available to those individuals to apply for an additional intern license to fulfill the complete requirements to upgrade over the course of a period longer than 4 years, subject to the conditions proposed.

The new subsection 9.8 allows for registration with the Board as a professional land surveyor emeritus, under certain conditions.

The revised subsection 12.3.1 would make the rules consistent with current National Geodetic Survey standards.

The other proposed amendments reflect technical and style changes consistent with the *Delaware Administrative Code Drafting and Style Manual*.

The Board will hold a public hearing on the proposed regulation changes on June 17, 2025, at 8:30 a.m. in the second-floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Professional Land Surveyors, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address or at [Jennifer.Witte@delaware.gov](mailto:Jennifer.Witte@delaware.gov).

In accordance with 29 **Del.C.** §10118(a), the final date to receive written comments will be July 2, 2025. The Board will deliberate on the public comments at its next regularly scheduled meeting thereafter.

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**DIVISION OF PROFESSIONAL REGULATION**  
**PUBLIC NOTICE**

**3700 Board of Examiners of Speech/Language Pathologists, Audiologists & Hearing Aid Dispensers**

The Delaware Board of Speech/Language Pathologists, Audiologists and Hearing Aid Dispensers ("Board"), pursuant to 24 **Del.C.** §3706(a)(1), proposes to amend its regulation.

On December 1, 2024, proposed revisions to the regulation were published in the *Delaware Register of Regulations*, Volume 28, Issue 6. The revisions implemented SB No. 320, 152nd General Assembly, enacted September 19, 2024. SB No. 320 creates a licensure category for speech/language pathology assistants. The proposed amendments set forth requirements for licensure and supervision of speech/language pathology assistants.

A public hearing was held on January 21, 2025 before the Board. The Board deliberated on the evidence presented at its meeting on February 18, 2025. Based on those deliberations, the Board has proposed further

revisions to the regulation. Therefore, the Board withdraws the proposed regulation published December 1, 2024, and submits a revised proposed regulation attached as Exhibit A.

The Board will hold a public hearing on the proposed regulation changes on June 17, 2025, at 2:00 p.m., virtually and in the Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Anyone wishing to receive a copy of the proposed regulation may obtain a copy from the Delaware Board of Speech/Language Pathologists, Audiologists and Hearing Aid Dispensers, 861 Silver Lake Boulevard, Dover, Delaware 19904. Written comments should be sent to Jessica Lobaccaro, Administrative Specialist for the Board, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904 or at [jessica.lobaccaro@delaware.gov](mailto:jessica.lobaccaro@delaware.gov). Written comments will be accepted until **July 2, 2025** pursuant to 29 **Del. C.** §10118(a).

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**DIVISION OF PROFESSIONAL REGULATION****PUBLIC NOTICE****5300 Board of Massage and Bodywork**

Pursuant to 24 **Del.C.** §5306(a)(1), the Delaware Board of Massage and Bodywork ("Board") has proposed revisions to its regulation. The revisions include striking certain definitions in Section 2.0 because hour requirements for licensure have been revised statutorily. Section 6.0 pertaining to licensure of certified massage technicians is stricken in that the Board is no longer issuing these licenses. Subsection 9.4.2.9 is revised to strike the online option for completion of continuing education which was applicable during the COVID-19 pandemic. The definitions in subsection 12.1 are revised to clarify that businesses licensed pursuant to another chapter of Title 24 are not exempt from the establishment licensure requirements.

A public hearing will be held on June 26, 2025 at 1:30 p.m. in the second floor conference room B of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Massage and Bodywork, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address or at [jazmine.peebles@delaware.gov](mailto:jazmine.peebles@delaware.gov).

In accordance with 29 **Del.C.** §10118(a), the final date to receive written comments will be July 11, 2025. The Board will deliberate on all of the public comments at its regularly scheduled meeting.