

CALENDAR OF EVENTS/HEARING NOTICES

CALENDAR

April 2023

DEPARTMENT OF EDUCATION

PUBLIC NOTICE

The State Board of Education meets monthly, generally at 5:00pm on the third Thursday of the month. These meetings are open to the public. The Board rotates locations of regular meetings among the three counties.

The State Board of Education provides information about meeting dates and times, materials, minutes, and audio recordings on its website:

<https://education.delaware.gov/community/governance/state-board-of-education/sbe-monthly-meetings/>

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF HEALTH CARE QUALITY

PUBLIC NOTICE

3345 Personal Assistance Services Agencies

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 16 of the **Delaware Code**, Chapter 1, Section 122(3)(x), Delaware Health and Social Services (DHSS)/ Division of Health Care Quality (DHCQ) is proposing regulations governing Personal Assistance Services Agencies.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed regulatory amendments must submit same by email to Nancy.Lizzi@Delaware.gov or by fax to 302-292-3931 by 4:30 p.m. on May 1, 2023. Please identify in the subject line: Regulations Governing Personal Assistance Services Agencies.

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

DIVISION OF HEALTH CARE QUALITY

PUBLIC NOTICE

3350 Skilled Home Health Agencies (Licensure)

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 16 of the **Delaware Code**, Chapter 1, Section 122(3)o, Delaware Health and Social Services (DHSS)/ Division of Health Care Quality (DHCQ) is proposing regulations governing Skilled Home Health Agencies.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed regulatory amendments must submit same by email to Nancy.Lizzi@Delaware.gov or by fax to 302-292-3931 by 4:30 p.m. on May 1, 2023. Please identify in the subject line: Regulations Governing Skilled Home Health Agencies.

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

DIVISION OF HEALTH CARE QUALITY

PUBLIC NOTICE
3351 Home Health Agencies--Aide Only (Licensure)

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 16 of the **Delaware Code**, Chapter 1, Section 122(3)o, Delaware Health and Social Services (DHSS)/ Division of Health Care Quality (DHCQ) is proposing regulations governing home health agencies-aide only.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed regulatory amendments must submit same by email to Nancy.Lizzi@Delaware.gov or by fax to 302-292-3931 by 4:30 p.m. on May 1, 2023. Please identify in the subject line: Regulations Governing Home Health Agencies-Aide Only.

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

DEPARTMENT OF JUSTICE
FRAUD AND CONSUMER PROTECTION DIVISION
PUBLIC NOTICE
106 Home Improvement Services

Public Notice

In compliance with the State's Administrative Procedures Act (APA -Title 29, Chapter 101 of the Delaware Code) and 29 **Del.C.** §2521, the Consumer Protection Unit of the Delaware Department of Justice ("the Consumer Protection Unit") hereby publishes notice of a proposed regulation to the Consumer Fraud Act (6 **Del.C.** §2511 et seq.) pursuant to 29 **Del.C.** §2521.

Summary of Proposed Regulation

The proposed regulation was created to assist in the implementation and clarification of the Consumer Fraud Act by identifying certain home improvement acts and practices that constitute unlawful practices as described in 6 **Del.C.** §2513(a). The proposed regulation is primarily modeled after W. Va. Code R. § 142-5-3, with additional guidance from 40 Mass. Code Regs. § 3.09; N.J. Admin. Code §§ 13:45A-16.1 to 13:45A-16.2; Wis. Admin. Code ATCP §§ 110-01 to 110-09. Additionally, business practices observed by the Consumer Protection Unit guided the creation of this regulation.

Possible Terms of the Action Agency

None.

Other Regulations That May be Affected by the Proposal

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

Notice of Public Hearing

A public hearing will be held on May 24, 2023, beginning at 12:00 PM in the 3rd Floor Conference Room in the Carvel State Office Building, 820 N. French Street, Wilmington, DE 19801, where members of the public can offer comments.

Notice of Public Comment

Persons wishing to comment on the proposed regulation may submit their comments in writing no later than June 9, 2023, by email to Brian.Canfield@Delaware.gov.

To be considered at the May 24, 2023 hearing, however, written materials must be submitted on or before May 1, 2023.

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF AIR QUALITY REGISTER NOTICE 1140 Delaware Low Emission Vehicle Program

NOTICE OF PUBLIC COMMENT:

A virtual public hearing (Docket # 2022-R-A-0011) will be held on Wednesday, April 26, 2023, beginning at 6 p.m. The web link to the virtual hearing can be accessed through the DNREC Public Hearings site at <https://de.gov/dnrehearings>. If prompted for a passcode, please use: 693764. To access the audio-only portion of the virtual hearing, dial 1-646-931-3860 and enter the meeting ID: 963 6971 8957. Closed-captioning is available by request if made at least 7 days before the event.

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

The proposed amendments may be inspected online starting April 1, 2023 at Delaware Register's website - https://regulations.delaware.gov/services/current_issue.shtml or in-person, by appointment only, by contacting Kyle Krall by phone at 302-739-9402 or by email at kyle.krall@delaware.gov.

The Department will accept public comment through Thursday, May 26, 2023. Comments will be accepted in written form via email to DNRECHearingComments@delaware.gov, or by using the online form at <https://de.gov/dnrecomments>, or by U.S. mail to the following address:

Theresa Newman, Hearing Officer
DNREC - Office of the Secretary
89 Kings Highway, Dover, DE 19901

DEPARTMENT OF STATE DIVISION OF PROFESSIONAL REGULATION PUBLIC NOTICE 1900 Board of Nursing

The Delaware Board of Nursing, pursuant to 24 Del.C. §1904(c), proposes to revise its regulations to remove obsolete or inconsistent regulations, clarify the process for review of nursing schools under conditional approval, add regulations pertaining to allowing nursing schools to add innovative approaches to their curriculum, clarify when a supervised practice plan can be used in lieu of a refresher course, clarify that all applicants must have graduated from Board approved nursing schools, incorporate a list of tasks RN, LPNs, and unlicensed assistive personnel may perform, clarify the process for an APRN to obtain a temporary permit, clarify how continuing education units are measured, clarify the process for appointing members of advisory committees, and add crimes relating to sexual assault, trafficking, and illegal gun possession to the list of crimes related to the practice of nursing.

The Board will hold a public hearing on the proposed regulation changes on May 10, 2023 at 9:00 a.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Dr. Pamela Zickafoose, Executive Director of the Delaware Board of Nursing, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until May 25, 2023 pursuant to 29 Del.C. §10118(a).

DIVISION OF PROFESSIONAL REGULATION PUBLIC NOTICE

2100 Board of Examiners in Optometry

The Delaware Board of Examiners in Optometry, pursuant to 24 **Del.C.** §2104(a)(1), proposes to revise its regulations. The proposed regulations seek to remove obsolete regulations pertaining to diagnostic licensure and paper applications, clarify the requirements for licensure through reciprocity, and amend the regulations regarding telehealth services to comply with Title 24, Chapter 60.

The Board will hold a public hearing on the proposed rule change on July 20, 2023 at 4:30 p.m., in the Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Alison Warren, Administrator of the Delaware Board of Examiners in Optometry, Cannon Building, 861 Silver Lake Blvd, Dover, DE 19904. Written comments will be accepted until August 4, 2023.

DIVISION OF PROFESSIONAL REGULATION PUBLIC NOTICE 4100 Board of Home Inspectors

The Delaware Board of Home Inspectors, pursuant to 24 **Del.C.** §4106(a)(1), proposes to amend its rules and regulations. The proposed regulation changes aim to address a growing practice in the profession of licensed home inspectors performing partial home inspections and not producing written reports. In addition, they expand the list of certifying bodies acceptable to the Board for experience applicants.

The original amendments were published on page 383 of the November 1, 2022 issue of the *Delaware Register of Regulations* (26 **DE Reg.** 383 (11/01/22)). The Board planned to hold a hearing on January 10, 2023 at 9:00 a.m., but the hearing was cancelled. As a result, the Board will now hold a public hearing on the proposed regulation change on May 9, 2023 at 9:00 a.m., either telephonically or in the Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Michelle Loper at the Delaware Board of Home Inspectors, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until May 24, 2023 pursuant to 29 **Del.C.** §10118(a).

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 Rules and Regulations. The proposed amendment to subsection 12.9.1 specifies that all massage establishments, not just licensed establishments, are subject to inspection by an agent of the Division of Professional Regulation. This change will make the regulation consistent with 24 **Del.C.** §5321(a) which authorizes inspection of "any" massage establishment. The revised subsection 12.9.1 will ensure that investigators can take necessary steps to address various public safety issues, including the presence of illicit massage establishments. A public hearing will be held on May 18, 2023 at 1:30 a.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 danielle.ridgway@delaware.gov.

In accordance with 29 **Del.C.** §10118(a), the final date to receive written comments will be June 2, 2023. The Board will deliberate on all of the public comments at its regularly scheduled meeting.

DELAWARE MOTION PICTURE AND TELEVISION DEVELOPMENT COMMISSION

PUBLIC NOTICE

1501 Administration and Operation of the Delaware Motion Picture and Television Development Commission

Summary

Pursuant to the authority granted by Title 29 chapter 87A of the Delaware Code, the Delaware Motion Picture and Television Development Commission proposes to adopt a regulation establishing certain procedures to be used in the administration and operation of the Delaware Motion Picture and Television Development Commission which shall include, without limitation, its receipt of applications for grants, rebates, and other financial assistance within the purview of the Commission; its review and evaluation of such Applications; and the exercise of its discretion to approve the award of grants, rebates, and other financial assistance for projects supported by the Fund.

The Delaware Motion Picture and Television Development Commission is issuing these proposed regulations in accordance with Title 29 of the Delaware Code. This notice is issued pursuant to the requirements of Chapter 101 of Title 29 of the Delaware Code.

Comments

A copy of the proposed regulation is being published in the April 1, 2023, edition of the *Delaware Register of Regulations*. A copy is also on file with the Delaware Motion Picture and Television Development Commission c/o Joseph Zilcosky, Carvel State Office Building, C302, 820 N. French Street, 10th Floor, Wilmington, DE 19801-3509 and is available for inspection during regular office hours. Copies are also published online at the *Delaware Register of Regulations* website: https://regulations.delaware.gov/services/current_issue.shtml.

Interested parties may offer written comments on the proposed regulations indicating whether these proposed regulations should be adopted, rejected or modified. Interested parties may hand deliver to the Delaware Motion Picture and Television Development Commission, any written suggestions, data, briefs or other materials at the above address. Pursuant to 29 **Del.C.** §10118(a), public comments must be received on or before May 3, 2023. Written materials submitted will be available for inspection at the above address.

DEPARTMENT OF TRANSPORTATION DIVISION OF TRANSPORTATION SOLUTIONS PUBLIC NOTICE 2405 Oversize/Overweight Hauling Permit Policy and Procedures Manual

Pursuant to the authority provided by 21 **Del.C.** §4504, the Delaware Department of Transportation (DelDOT) adopted the Oversize/Overweight Vehicle Hauling Permit Policy and Procedures Manual

The Department, through its Division of Transportation Solutions seeks to adopt these revisions to address procedural changes and a new permit code to support economic development. These collective changes are administrative in nature and serve in part to clarify the intent of the Department as enacted through these regulations.

Public Comment Period

DelDOT will take written comments on these proposed revisions to Regulation 2405 of Title 2, Delaware Administrative Code, from April 1, 2023 through May 1, 2023. The public may submit their comments to:

James Osborne, P.E.
Traffic Safety Programs Manager
(James.Osborne@delaware.gov) or in writing to his attention,
Delaware Department of Transportation
Division of Transportation Solutions, Traffic Safety Section
169 Brick Store Landing Road
Smyrna, DE 19977
