

# CALENDAR OF EVENTS/HEARING NOTICES

## CALENDAR

August 2021

### DELAWARE RIVER BASIN COMMISSION

#### PUBLIC NOTICE

The Delaware River Basin Commission will hold a public hearing on **Wednesday, August 11, 2021** beginning at **1:30 p.m.** The public hearing will be conducted on a remote platform. Please check the Commission's website, [www.drbc.gov](http://www.drbc.gov), on or after July 28, 2021 for details regarding the draft docket decisions that will be subjects of the public hearing and for information on how to attend and participate in this remote public hearing.

The Commission's quarterly business meeting will be held the following month, on **Wednesday, September 09, 2021**, beginning at **10:30 a.m.** The business meeting will also be conducted remotely. Details about the meeting format and how to attend will be posted on the Commission's website, [www.drbc.gov](http://www.drbc.gov), no later than July 28, 2021.

For additional information, please visit the DRBC website at [www.drbc.gov](http://www.drbc.gov) or contact Patricia Hausler at [patricia.hausler@drbc.gov](mailto:patricia.hausler@drbc.gov).

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### DEPARTMENT OF AGRICULTURE

#### Harness Racing Commission

#### PUBLIC NOTICE

#### 501 Harness Racing Rules and Regulations

The Delaware Harness Racing Commission (DHRC) pursuant to 3 **Del. C.** Section 10005, proposes to amend its rules and regulations. The proposed regulation changes address needed amendments for clarity by adding a definition.

After discussions, which included technical experts, regulatory officials, and harness racing stakeholders, on June 1, 2021, the DHRC Rules Committee voted to recommend this rule amendment package to the full DHRC. On June 22, 2021, at its regular monthly meeting, the DHRC unanimously approved these proposed amendments. The DHRC rules committee meetings and DHRC regular monthly meetings are publically noticed open meetings. Subsequent to the initial 30-day comment period beginning on August 1, 2021 to August 31, 2021 and notice in the *Register of Regulations*, the DHRC plans to finalize the regulations on September 14, 2021 during its regularly scheduled monthly meeting. The meetings are held at the Delaware Department of Agriculture, 2320 South DuPont Highway Dover, DE at 10:00am. Written comments must be received by COB August 31, 2021. Those comments should be sent to the same address listed above for meeting location, attention Mr. Mark Davis.

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### DEPARTMENT OF EDUCATION

#### PUBLIC NOTICE

On March 12, 2020, Governor Carney issued a declaration of a state of emergency for the state of Delaware due to a public health threat. The State of Emergency allows all public meetings of executive branch public bodies, including the SBE, to be conducted electronically, either by means of telephone conference call or video-conference call.

In accordance with the State of Emergency, the State Board of Education is currently holding meetings electronically. The meeting information can be accessed via the public meeting calendar (<https://publicmeetings.delaware.gov/Search?q=&AnyAll=Any&AgencyID=22&StartDateInclusive=2020-08-01>). Members of the public can join the meeting via the web or telephone.

Meeting materials are available on the State Board of Education's eBoard site (<https://simbli.eboardsolutions.com/index.aspx?s=190001>). (If you are having technical difficulties accessing the site,

please try a different browser.)

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

### **Division of Health Care Quality**

#### **PUBLIC NOTICE**

#### **4406 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 (Licensure).

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed regulatory amendments must submit same to, the Office of Health Facilities Licensing and Certification, Division of Health Care Quality, 261 Chapman Road, Suite 200, Newark, Delaware 19702, by email to [Corinna.Getchell@Delaware.gov](mailto:Corinna.Getchell@Delaware.gov) or by fax to 302-292-3931 by 4:30 p.m. on September 1, 2021. Please identify in the subject line: Regulations Governing Home Health Agencies – Aide Only (Licensure).

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.

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### **Division of Health Care Quality**

#### **PUBLIC NOTICE**

#### **4410 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 (Licensure).

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed regulatory amendments must submit same to, the Office of Health Facilities Licensing and Certification, Division of Health Care Quality, 261 Chapman Road, Suite 200, Newark, Delaware 19702, by email to [Corinna.Getchell@Delaware.gov](mailto:Corinna.Getchell@Delaware.gov) or by fax to 302-292-3931 by 4:30 p.m. on September 1, 2021. Please identify in the subject line: Regulations Governing Skilled Home Health Agencies (Licensure).

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.

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### **Division of Medicaid and Medical Assistance**

#### **PUBLIC NOTICE**

#### **Adult Dental**

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 Social Services (DHSS/DSS) is proposing to amend the Alternative Benefit Plan (ABP) regarding Dental Services, specifically, to add adult dental services to the ABP and to maintain the State's assurance that the ABP matches regular Medicaid.

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, Policy and Quality Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to [Nicole.M.Cunningham@delaware.gov](mailto:Nicole.M.Cunningham@delaware.gov), or by fax to 302-255-4413 by 4:30 p.m. on August

31, 2021. Please identify in the subject line: Dental Services.

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**

#### **AMBULATORY SURGICAL CENTER SERVICES**

##### **Title XIX Medicaid State Plan - Ambulatory Surgical Center Services**

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 Social Services (DHSS/DSS) is proposing to amend Title XIX Medicaid State Plan regarding Ambulatory Surgical Center Services, specifically, to add a reimbursement methodology for an ambulatory surgical center being used to provide dental services.

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, Policy and Quality Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to [Nicole.M.Cunningham@delaware.gov](mailto:Nicole.M.Cunningham@delaware.gov), or by fax to 302-255-4413 by 4:30 p.m. on August 31, 2021. Please identify in the subject line: Ambulatory Surgical Center Services.

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 Social Services**

### **PUBLIC NOTICE**

#### **DELAWARE'S TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)**

##### **3000 Temporary Assistance for Needy Families (TANF) - Definition**

##### **3000.1 Funding**

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 Social Services (DHSS/DSS) is proposing to amend Delaware's Temporary Assistance for Needy Families (TANF), specifically, to provide clear and accurate information on the TANF program.

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, Division of Social Services (DSS), 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to [Nicole.M.Cunningham@delaware.gov](mailto:Nicole.M.Cunningham@delaware.gov), or by fax to 302-255-4413 by 4:30 p.m. on August 31, 2021. Please identify in the subject line: Defining and Funding Delaware's Temporary Assistance for Needy Families (TANF).

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 Social Services**

### **PUBLIC NOTICE**

#### **CHILD CARE ADMINISTRATION AND INTEGRITY**

##### **DSSM 11002.5 Responsibility For The Administration Of Delaware's Child Care Subsidy Program**

##### **DSSM 11002.5.1 Responsibility for Direct Administration of Delaware's Child Care Subsidy Program**

## **DSSM 11002.10 Establishing Program Integrity in Child Care**

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 Social Services (DHSS/DSS) is proposing to amend the Division of Social Services Manual (DSSM) regarding the Child Care Subsidy Program.

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, Division of Social Services (DSS), 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to [Nicole.M.Cunningham@delaware.gov](mailto:Nicole.M.Cunningham@delaware.gov), or by fax to 302-255-4413 by 4:30 p.m. on August 31, 2021. Please identify in the subject line: Child Care Administration and Integrity.

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 Social Services**

#### **PUBLIC NOTICE**

#### **ADJUSTING CHILD CARE PAYMENTS AND AUTHORIZATIONS**

##### **DSSM 11006.4.8 Completing Correct Transactions**

##### **DSSM 11006.4.9 Completing Manual Adjustments**

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 Social Services (DHSS/DSS) is proposing to amend the Division of Social Services Manual (DSSM) regarding the Child Care Subsidy Program.

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, Division of Social Services (DSS), 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to [Nicole.M.Cunningham@delaware.gov](mailto:Nicole.M.Cunningham@delaware.gov), or by fax to 302-255-4413 by 4:30 p.m. on August 31, 2021. Please identify in the subject line: Adjusting Child Care Payments and Authorizations.

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 INSURANCE**

### **Office of the Commissioner**

#### **PUBLIC NOTICE**

#### **902 Prohibited Unfair Claim Settlement Practices [Formerly Regulation 26]**

In the May 1, 2020 edition of the *Register of Regulations*, the Department published a proposal to update and clarify requirements concerning prohibited unfair claim settlement practices that are set forth in Regulation 902 (see 23 **DE Reg.** 920 (05/01/2020)). In that proposal, the Department proposed adding new subsection 3.1.14, which included a failure to promptly settle a claim as required under Regulation 903 as an unfair claim settlement practice. The Department also took the opportunity of the proposal to make grammatical and formatting edits throughout the regulation. Upon further review, the Department determined not to proceed with proposed new subsection 3.1.14 and withdrew that proposal, as violations of Regulation 903 are already a defined unfair claims settlement practice.

Instead, the Department proposed to add new subsection 3.2 to Regulation 902, which would have specifically provided that three instances of an insurer's commission of a prohibited claim settlement practice within a 36-month period, as listed in subsection 1.2.1 (to be recodified at subsection 3.1), shall give rise to a rebuttable presumption that the insurer is in violation of this regulation and 18 **Del. C.** §2304(16)f. This first re-proposal was

published in the June 1, 2020 edition of the *Register of Regulations* (see 23 DE Reg. 997 (06/01/2020)). The Department again took the opportunity of the re-proposal to make grammatical and formatting edits throughout the regulation.

In response to comments from the regulated community that are summarized in the second re-proposal, the Department determined to revise proposed new subsection 3.2 by raising the frequency of instances of commission of a prohibited claim settlement practice from three instances within a 36-month period to four percent of claims sampled.

This second re-proposal was published in the October 1, 2020 edition of the *Register of Regulations* (see 24 DE Reg. 330 (10/01/20)). The Department again took the opportunity of the re-proposal to make grammatical and formatting edits throughout the regulation.

The Department will hold a virtual public hearing and a simultaneous in-person meeting on the proposed amendments to Regulation 902 on Monday, **August 23, 2021 at 9:00 a.m.** The hearing will be facilitated through WebEx at:

- <https://stateofdelaware.webex.com/stateofdelaware/j.php?MTID=ma230bbdd684b998a7ecdaf84f2148f9>
- meeting number (access code): 1790 36 2461 and
- meeting password: zePHXMp9q79.

Holding a virtual public meeting was specifically permitted by Paragraph 5 of the Declaration of a State of Emergency for the State of Delaware due to a Public Health Threat issued by Governor John Carney on March 12, 2020 and extended monthly thereafter (see <https://governor.delaware.gov/health-soe/> for the complete list of modifications and extensions). With the anticipated expiration of the State of Emergency, the Legislature passed SB 94 w/ SA 1, which allows any public body to hold a virtual meeting if there is a physical anchor location where the public can attend the meeting in person and the virtual meeting conforms to all requirements under the Freedom of Information Act (FOIA).

The proposed amendments appear below and may also be viewed on the Department of Insurance website at <http://insurance.delaware.gov/information/proposedregs/>.

Any person may file written comments, suggestions, briefs, and compilations of data or other materials concerning the proposed amendments to the regulation. Any written submission in response to this notice and relevant to the proposed amendments must be received by the Department of Insurance no later than 4:30 p.m. EST, the 7th day of September 2021. Any such requests and any questions concerning connecting to the public hearing should be directed to:

Regulatory Specialist  
Delaware Department of Insurance  
ATTN: Docket 4259-2020  
1351 West North Street, Suite 101  
Dover, DE 19904  
(302) 674-7379  
Email: [DOI\\_Legal@delaware.gov](mailto:DOI_Legal@delaware.gov)

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**DEPARTMENT OF STATE**  
**Division of Professional Regulation**  
**100 Board of Accountancy**  
**PUBLIC NOTICE**

Pursuant to 24 Del.C. §105(a)(1), the Delaware Board of Accountancy has proposed revisions to its rules and regulations. The rules are designed to implement the revised Accountancy statute.

A public hearing will be held on September 22, 2021 at 9:00 a.m. (in the second floor conference room B of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware,) where members of the public can offer comments on the amendments to the rules and regulations. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Accountancy, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above

address. Written comments will be accepted until October 7, 2021 in accordance with 29 Del.C. §10118(a).

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**Division of Professional Regulation**  
**1700 Board of Medical Licensure and Discipline**  
**PUBLIC NOTICE**

The Delaware Board of Medical Licensure and Discipline, pursuant to 24 *Del. C.* § 1713(a)(12), proposes to update language for Board Regulation 13.0 to reflect the changes made in recently passed legislation. See HB 33 from the 151th General Assembly (online at <https://legis.delaware.gov/BillDetail?legislationId=48215>). The Board will hold a public hearing on the proposed regulation change on September 7, 2021 at 3:00 p.m. Written comments should be sent to Devashree Singh, Executive Director of the Delaware Board of Medical Licensure and Discipline, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until September 22, 2021 pursuant to 29 *Del. C.* § 10118(a).

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**Division of Professional Regulation**  
**2930 Council on Real Estate Appraisers**  
**PUBLIC NOTICE**

Pursuant to 24 Del.C. §4006(a)(1), the Delaware Council on Real Estate Appraisers has proposed revisions to its rules and regulations. The rules pertaining to supervision of trainees are being amended to allow the supervisor more discretion in letting the trainee practice. The Council is also taking the opportunity of this proposal to update Delaware Code citations to sections that have been amended.

A public hearing will be held on September 21, 2021 at 9:30 a.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware, or virtually where members of the public can offer comments on the amendments to the rules and regulations. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Council on Real Estate Appraisal, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address in accordance with 29 **Del.C.** §10118(a). Written comments will be accepted until October 7, 2021.