

DELAWARE HEALTH INFORMATION NETWORK

PUBLIC NOTICE

103 Delaware Health Care Claims Database Data Collection Regulation

Agency: Delaware Health Information Network

Contact: Dr. Jan Lee
Chief Executive Officer
(302)678-0220

Submit Comments by email to info@dhin.org by July 31, 2017

Title of Proposed Regulation: Delaware Health Care Claims Database Data Collection Regulation

Summary of the Regulation:

This regulation supports implementation of 16 **Del.C.** Ch. 103, Subchapter II, The Delaware Health Care Claims Database. It summarizes the requirements for submission of claims data by a mandatory reporting entity, to include a reporting schedule and a template for a data submission and use agreement to be entered into between DHIN and each reporting entity. The agreement includes procedures for submission, collection, aggregation, and distribution of claims data, and a summary of how claims data may be used for geographic, demographic, economic, and peer group comparisons.

Sub-regulatory technical guidance may be found on the DHIN web site in the form of a Data Submission Guide.

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

PUBLIC NOTICE

1201 Nutrient Management Certification Regulations

The Delaware Nutrient Management Commission, pursuant to 3 **Del.C.** §2220(a), proposes to revise its regulations incorporating by reference the State Technical Standards developed by an appointed committee to establish appropriate standards for nutrient application, development and implementation of nutrient management and animal waste management plans, compliance with CAFO permits, and siting new CAFO facilities. The State Technical Standards can be viewed in person at the Delaware Department of Agriculture or online at http://dda.delaware.gov/nutrients/NM_TechStandards.shtml. Written comments should be sent to Chris Brosch, Administrator of the Delaware Nutrient Management Commission, 2320 S. DuPont Highway, Dover DE 19901. Written comments will be accepted until July 31, 2017 pursuant to 29 **Del.C.** §10118(a).

DEPARTMENT OF EDUCATION

PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, July 20, 2017 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF PUBLIC HEALTH

PUBLIC NOTICE

4465 Delaware Radiation Control Regulations

On July 1, 2017, the Department of Health and Social Services, Division of Public Health, Office of Radiation Control, plans to publish revised Regulations Governing Radiation Control - Part F and Part H and hold them out for public comment per Delaware law.

A public hearing will be held on Thursday, July 27, 2017, at 10:00 a.m. in the First Floor Conference Room, located in the Jesse Cooper Building, 417 Federal Street, Dover, Delaware.

The Authority on Radiation Protection (ARP), with the Office of Radiation Control, Health Systems Protection Section, Division of Public Health, Department of Health and Social Services, is proposing to repeal and replace two chapters of

Delaware Radiation Control Regulations. The purpose of the amendments is to update the requirements so that they are in concert with current healthcare and industry standards, and to align them more closely with current state administrative code and federal requirements. The regulations will apply to any facility or person that receives, possesses, uses, transfers, sells, owns or acquires ionizing radiation sources, or provides radiation services to such radiation source facilities, or who administers machine-generated radiation to human patients in the healing arts.

Any person who wishes to make written suggestions, testimony, briefs or other written materials concerning the proposed regulation should submit such comments by Friday August 11, 2017 to:

Jamie Mack, Executive Assistant
Office of the Director
Delaware Division of Public Health
Jesse Cooper Building
417 Federal St.
Dover, DE 19901
Email: jamie.mack@state.de.us
Fax: 302-739-3984

DEPARTMENT OF INSURANCE

OFFICE OF THE COMMISSIONER

PUBLIC NOTICE

1318 Compensation for Chiropractic Services

The Department of Insurance hereby gives notice of proposed new Regulation 1318 relating to Compensation for Chiropractic Services. The proposed new regulation would prohibit insurance carriers from including in any insurance policy terms and conditions that unreasonably discriminate against the payment for Chiropractic Care or Services, or Chiropractic Supportive Care, and puts in place a mechanism by which the Department of Insurance may enforce this prohibition. The Delaware Code authority for the new regulation is 24 **Del.C.** §716(c) and 18 **Del.C.** §§311 and 329.

The Department of Insurance does not plan to hold a public hearing on the proposed new regulation. The proposed new regulation appears below and can also be viewed at 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 new regulation. Any written submission in response to this notice and relevant to the proposed new regulation must be received by the Department of Insurance no later than 4:30 p.m. EST, the 31st day, July, 2017. Any such requests should be directed to:

Leslie W. Ledogar, Regulatory Specialist
Delaware Department of Insurance
841 Silver Lake Drive
Dover, 19904
(302) 674-7379
Email: Leslie.Ledogar@state.de.us

DEPARTMENT OF LABOR

DIVISION OF INDUSTRIAL AFFAIRS

OFFICE OF LABOR LAW ENFORCEMENT

PUBLIC NOTICE

1322 Prevailing Wage Regulations

The State of Delaware, Department of Labor's Division of Industrial Affairs ("the Division") hereby gives notice of its intention to adopt amended regulations pursuant to 19 **Del.C.** §105(a)(8) and 29 **Del.C.** §6960(a).

The Department solicits, and will consider, timely filed written comments from interested individuals and groups concerning these proposed amended regulations. The deadline for the filing of such written comments will be thirty (30) days after these proposed amended regulations are promulgated in the Delaware *Register of Regulations*, or by August 7, 2017. Members of the public may receive a copy of the proposed regulation at no charge by United States Mail by writing or calling Mr. Anthony DeLuca, Department of Labor, Administrator of the Office of Labor Law Enforcement, Delaware Department of Labor, 4425 North Market Street, Wilmington Delaware 19802, telephone number 302-761-8317. Members

of the public may present written comments on the proposed regulation by submitting such written comments to Mr. DeLuca at the address of the Delaware Department of Labor as set forth above. Written comments must be received on or before August 7, 2017. The proposed regulations will be considered at a public hearing scheduled for Friday, July 21, 2017 from 4 p.m. to 5:30 p.m. in the Department of Labor offices at Blue Hen Corporate Center, 655 S. Bay Road, Suite 2H, Dover, Delaware 19901. Copies of the proposed amended regulations may be obtained from the Division of Industrial Affairs (see address above).

In accordance with procedures set forth in 29 **Del.C.** Ch. 11, Subch. III and 29 **Del.C.** §10111(1), the Department of Labor is proposing to amend its regulations for the Prevailing Wage Law as described in 29 **Del.C.** §6960. The proposed amendments will clarify the types of activity which fall under the prevailing wage statute; limit the number of fringe benefits deductions the Department will recognize; modify investigative procedures; expand the scope of the circumstances under which the Department shall hold administrative hearings; and make minor changes to the conduct of those hearings themselves. Minor amendments and changes are also inserted regarding other portions of the regulations.

DIVISION OF INDUSTRIAL AFFAIRS
OFFICE OF LABOR LAW ENFORCEMENT
PUBLIC NOTICE
1326 Workplace Fraud Act Regulations

The State of Delaware, Department of Labor's Division of Industrial Affairs ("the Division") hereby gives notice of its intention to adopt amended regulations pursuant to 19 **Del.C.** §105(a)(8) and 29 **Del.C.** §6960(a).

The Department solicits, and will consider, timely filed written comments from interested individuals and groups concerning these proposed amended regulations. The deadline for the filing of such written comments will be thirty (30) days after these proposed amended regulations are promulgated in the Delaware *Register of Regulations*, or by August 7, 2017. Members of the public may receive a copy of the proposed regulation at no charge by United States Mail by writing or calling Mr. Anthony DeLuca, Department of Labor, Administrator of the Office of Labor Law Enforcement, Delaware Department of Labor, 4425 North Market Street, Wilmington Delaware 19802, telephone number 302-761-8317. Members of the public may present written comments on the proposed regulation by submitting such written comments to Mr. DeLuca at the address of the Delaware Department of Labor as set forth above. Written comments must be received on or before August 7, 2017. The proposed regulations will be considered at a public hearing scheduled for Friday, July 21, 2017 from 5:30 p.m. to 7 p.m. in the Department of Labor offices at Blue Hen Corporate Center, 655 S. Bay Road, Suite 2H, Dover, Delaware 19901. Copies of the proposed amended regulations may be obtained from the Division of Industrial Affairs (see address above).

In accordance with procedures set forth in 29 **Del.C.** Ch. 11, Subch. III and 29 **Del.C.** §10111(1), the Department of Labor is proposing to amend its regulations for the Workplace Fraud Act as described in 19 **Del.C.** §§3501 *et seq.* The proposed amendments will provide additional due process to entities found by the Division to be in violation of the Workplace Fraud Act. They will make changes to the conduct of those hearings themselves. Minor amendments and changes are also inserted regarding other portions of the regulations.

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
DIVISION OF WATER
SURFACE WATER DISCHARGES SECTION
PUBLIC NOTICE
7204 Regulations for Licensing Operators Of Wastewater Facilities

This action is being taken to: (1) incorporate language as recommended by the regulated entities; (2) adhere to the new regulation format and numbering requirement; (3) reorganize the structure of the Board of Certification for wastewater operators; (4) update the treatment plant classification process; (5) modify and enhance licensing requirements. There are no new fees proposed and no current fee increases proposed in this action. The Regulations for Licensing Operators of Wastewater Facilities are licensing regulations and there are no changes/modifications being proposed that will add increased burden or cost to small business or other individuals.

The Delaware Department of Natural Resources and Environmental Control's Surface Water Discharges Section (SWDS), Board of Certification for Wastewater Operator Licensing, is proposing amendments to the Regulations for Licensing Operators of Wastewater Treatment Facilities. The regulations for licensing of wastewater operators have been revised to incorporate language as recommended by the operating community, reorganization and structure of the Board of Certification, updates to the treatment plant classification process, and enhancement of the licensing process. There are no new fees proposed, and there are no changes/modifications being proposed that will increase current costs to affected public and private entities, nor the wastewater operating community.

A Public Hearing will be held on Thursday, August 10, 2017 beginning at 6:00 pm in the DNREC Auditorium at 89 Kings Highway, Dover, DE 19901. Written comments may be submitted via email to: Ms. Faye Wheeler (email: faye.wheeler@state.de.us or by fax at 302-739-8369). For other information concerning this matter, please contact Bryan Ashby, Environmental Program Manager, at Bryan.Ashby@state.de.us or by phone at 302-739-9946.

The proposed changes /updates to the Wastewater Operator Licensing Regulations can be found on our website at: www.dnrec.delaware.gov/wr/Information/SWDinfo/Documents/WastewaterOperatorRegulations.pdf

DEPARTMENT OF SAFETY AND HOMELAND SECURITY

DIVISION OF STATE POLICE

2400 BOARD OF EXAMINERS OF CONSTABLES

PUBLIC NOTICE

Notice is hereby given that the Board of Examiners of Constables, in accordance with 10 **Del.C.** Ch. 27 proposes to amend/adopt the following adopted rules in 24 **DE Admin. Code** 2400 Board of Examiners of Constables: Rule 4.0 - Badges & Vehicle Markings - requires all badges and vehicle markings to be approved by the Board; Rule 9.0 - Minimum Training Standards and In-Service Training - removes the required eight hours of classroom instruction and leaves it open on the minimum hours. If you wish to view the complete Rules, contact Ms. Peggy Anderson at 302-672-5304. Any persons wishing to present views may submit them in writing, by August 1, 2017, to Delaware State Police, Professional Licensing Section, P. O. Box 430, Dover, DE 19903. The Board will hold a meeting in the Fall of 2017 but no later than December 2017, at the Tatnall Building, 150 Martin L. King, Jr. Boulevard South, Room 112, Dover, DE.

DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

1000 BOARD OF PILOT COMMISSIONERS

PUBLIC NOTICE

The Delaware Board of Pilot Commissioners, pursuant to 23 **Del.C.** §102(1), proposes to revise its regulations adding a new regulation establishing the process to be followed for accepting applications for licensure. The Board will hold a public hearing on the proposed regulation change on August 18, 2017 at 1:00 p.m., Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Melanie Alexander, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until September 4, 2017 pursuant to 29 **Del.C.** §10118(a).

DIVISION OF PROFESSIONAL REGULATION

1799 GENETIC COUNSELOR ADVISORY COUNCIL

PUBLIC NOTICE

Pursuant to 24 **Del.C.** §1799I(c), the Genetic Counselor Advisory Council ("the Council") of the Delaware Board of Medical Licensure and Discipline has proposed revisions to its rules and regulations. A new Section 7.0 is added to set forth standards for the use of telehealth in the practice of genetic counseling.

A public hearing was scheduled for June 2, 2017 but has been rescheduled to September 1, 2017 at 3:30 p.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. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Genetic Counselor Advisory Council, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Council at the above address. Pursuant to 29 **Del.C.** §10118(a), the final date to receive written comments will be September 18, 2017. The Council will deliberate on the proposed revisions at its next regularly scheduled meeting.

DIVISION OF PROFESSIONAL REGULATION

2700 BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS

PUBLIC NOTICE

The Delaware Board of Professional Land Surveyors, in accordance with 24 **Del.C.** §2706(a)(1), has proposed revisions to its rules and regulations. The proposed revisions to the Rules and Regulations are intended to clarify the

surveyor's position on property conditions. The Board will hold a public hearing on the proposed rule changes on September 21, 2017 at 8:30 a.m., Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Jennifer Witte, Administrator of the Delaware Board of Professional Land Surveyors, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904, no later than October 6, 2017.

DIVISION OF PROFESSIONAL REGULATION

3700 BOARD OF SPEECH/LANGUAGE PATHOLOGISTS, AUDIOLOGISTS AND HEARING AID DISPENSERS
PUBLIC NOTICE

Pursuant to 24 **Del.C.** §3706(a)(1), the Board of Speech/Language Pathologists, Audiologists and Hearing Aid Dispensers ("Board") proposes revisions to its rules and regulations.

On October 1, 2015, proposed revisions to the rules and regulations were published in the Delaware *Register of Regulations*, Vol. 19, Issue 4. Specifically, the Board's proposed amendments struck the current Section 9.2.1.4, which addresses practice by telecommunications, and added a new Section 10.0, pertaining to telepractice. The new Section 10.0 sets forth standards and requirements in order to allow licensees to engage in telepractice while protecting the public.

A public hearing was held on November 17, 2015. The Board deliberated on January 19, 2016, and based on those deliberations, made substantive revisions to the proposed rules and regulations, which were published in the January 1, 2017 *Register of Regulations*, Volume 20, Issue 7. A second public hearing took place on February 21, 2017 at 2:00 p.m., and the Board deliberated on March 21, 2017. Once again, the Board made substantive changes to the proposed rules and regulations. Therefore, the Board strikes the rules and regulations as proposed in the October 1, 2015 *Register of Regulations* and proposes revised rules and regulations attached hereto as Exhibit A.

A public hearing was scheduled for June 20, 2017, but has been rescheduled for September 19, 2017 at 2:00 p.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. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Board of Speech/Language Pathologists, Audiologists and Hearing Aid Dispensers, 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), the final date to receive written comments will be October 4, 2017, which is 15 days following the public hearing. The Board will deliberate on all of the public comment at its next regularly scheduled meeting, at which time it will determine whether to adopt the rules and regulations as proposed or make additional changes due to the public comment.