

## DEPARTMENT OF EDUCATION

### PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, July 18, 2019 at 5:00pm in the Townsend Building, Dover, DE.

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## DEPARTMENT OF HEALTH AND SOCIAL SERVICES

### Division of Health Care Quality

#### PUBLIC NOTICE

#### 4404 Free Standing Emergency Centers

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)(p), Delaware Health and Social Services (DHSS) / Division of Health Care Quality (DHCQ) is proposing regulations governing Free Standing Emergency Departments.

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 July 31, 2019. Please identify in the subject line: Regulations Governing Free Standing Emergency Departments.

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

#### Over-the-Counter Drugs Without A Prescription

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code), 42 CFR §447.205, and under the authority of Title 31 of the Delaware Code, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Medicaid and Medical Assistance (DMMA) is proposing to amend Title XIX Medicaid State Plan regarding Over-the-Counter Drugs, specifically, to ensure members may request coverage of over-the-counter FDA-approved medications without a prescription.

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 July 31, 2019. Please identify in the subject line: Over-the-Counter Drugs Without a Prescription.

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

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### Division of Public Health

#### PUBLIC NOTICE

#### 4452 Clean Indoor Air Act

Pursuant to 16 Del.C. §2906(b), Health Systems Protection, Division of Public Health, Department of Health and Social Services, is proposing revisions to the regulations governing the Clean Indoor Air Act. On July 1, 2019, the Division of Public Health plans to publish as "proposed" revisions to the Clean Indoor Air Act regulations. The revisions include increasing the minimum age to enter vapor establishments from 18 to 21 years old to conform to recent legislative changes (SS 1 to SB 25 from the 150<sup>th</sup> General Assembly).

Copies of the proposed regulations are available for review in the July 1, 2019 edition of the Delaware *Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Division of Public Health at (302) 744-4951.

Any person who wishes to make written suggestions, testimony, briefs or other written materials concerning the

proposed regulations must submit them to Alanna Mozeik by Thursday, August 1, 2019, at:

Alanna Mozeik  
Division of Public Health  
417 Federal Street  
Dover, DE 19901  
Email: [Alanna.Mozeik@delaware.gov](mailto:Alanna.Mozeik@delaware.gov)  
Phone: (302) 744-4951

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**DEPARTMENT OF STATE**  
**Division of Professional Regulation**  
**Controlled Substance Advisory Committee**  
**PUBLIC NOTICE**  
**Uniform Controlled Substances Act Regulations**

Pursuant to 16 **Del.C.** §4731, the Delaware Secretary of State has proposed revisions to the Uniformed Controlled Substances Act regulations. Revisions to Section 4.0 specify the requirements pertaining to expiration of Schedule II and III prescriptions and partial filling of controlled substance prescriptions. The new subsection 9.4 provides that, prior to issuing a prescription for an opioid analgesic, or a prescription for a benzodiazepine, the practitioner must query the Prescription Monitoring Program ("PMP") to obtain and review the patient's prescription history. Language that conflicts with these requirements has been stricken. The new subsection 9.10 adds the requirement that, when a practitioner prescribes a patient a medication dose in excess of 120 MME/day (morphine milligram equivalency), such practitioner shall also issue the patient a prescription for naloxone with adequate refills for a year. Finally, certain revisions strike outdated subsections regarding procedural matters, such as the discipline of a controlled substance registration and rule-making.

Pursuant to 16 **Del.C.** §4731(b), a public hearing will be held before the Controlled Substance Advisory Committee ("Committee") on July 31, 2019 at 9:00 a.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware 19904. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Committee, 861 Silver Lake Boulevard, Dover, Delaware 19904. Written comments should be sent to Jessica Mason, administrative specialist for the Committee, at [jessica.mason@delaware.gov](mailto:jessica.mason@delaware.gov) or 861 Silver Lake Boulevard, Dover, Delaware 19904. In accordance with 29 **Del.C.** §10118(a), the final date to receive written comments will be August 15, 2019, which is 15 days following the public hearing. The Committee will deliberate on the proposed revisions at its next regularly scheduled meeting.

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**Office of the State Bank Commissioner**  
**PUBLIC NOTICE**

**701 Procedures for Applications to Form a Bank, Bank and Trust Company or Limited Purpose Trust Company**  
**Pursuant to Chapter 7 of Title 5 of the Delaware Code**

The State Bank Commissioner proposes to amend Regulation 701 (Procedures for Applications to Form a Bank, Bank and Trust Company or Limited Purpose Trust Company Pursuant to Chapter 7 of Title 5 of the Delaware Code). The proposed amendment provides that no application to form a new limited purpose trust company will be approved, unless the new limited purpose trust company will be an affiliate, as defined in Section 773 of Title 5, of a bank, insured institution or bank holding company, as those terms are defined in the federal Bank Holding Company Act, 12 USC 1841, or of any other insured depository institution, as that term is defined in the Federal Deposit Insurance Act, 12 USC 1813, or of any national banking association, chartered in accordance with the National Bank Act and regulated by the Comptroller of the Currency, that is engaged primarily in trust and fiduciary activities. This proposed amendment is not substantially likely to impose additional costs or burdens upon individuals and/or small businesses. Other Regulations issued by the State Bank Commissioner are not affected by this proposal. The State Bank Commissioner is issuing this proposed amended Regulation in accordance with Section 121(b) of Title 5 of the Delaware Code. This Notice is issued pursuant to the requirements of Title 29 of the Delaware Code, Chapter 11, Subchapter III, Chapter 101, Subchapter II, and Chapter 104, Sections 10404A(b)(1) and 10404B(b)(1).

A copy of the proposed amended Regulation is being published in the July 1, 2019 edition of the Delaware *Register of Regulations*. A copy is also on file in the Office of the State Bank Commissioner, 43 South DuPont Highway, Edgehill Shopping Center, Dover, DE 19901, and is available for inspection during regular office hours. Copies are available upon request.

Interested parties may offer comments on the proposed amended Regulation or submit written suggestions, data, briefs or other materials to the Office of the State Bank Commissioner at the above address as to whether the proposed

amended Regulation should be adopted, rejected or modified. Pursuant to 29 **Del.C.** §10118(a), public comments must be received on or before August 2, 2019. Written materials submitted will be available for inspection at the above address.

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**Office of the State Bank Commissioner**

**PUBLIC NOTICE**

**1103 Instructions for Preparation of Franchise Tax**

**1110 Instructions for Preparation of Franchise Tax for Resulting Branches in this State of Out-of-State Banks**

The State Bank Commissioner proposes to amend bank franchise tax Regulations 1103 (Instructions for Preparation of Franchise Tax) and 1110 (Instructions for Preparation of Franchise Tax for Resulting Branches in this State of Out-of-State Banks). The proposed amendments clarify the definition of the term "Securities Business". Neither of these proposed amendments are substantially likely to impose additional costs or burdens upon individuals and/or small businesses. Other Regulations issued by the State Bank Commissioner are not affected by this proposal. The State Bank Commissioner is issuing these proposed amended Regulations in accordance with Section 121(b) of Title 5 of the Delaware Code. This Notice is issued pursuant to the requirements of Title 29 of the Delaware Code, Chapter 11, Subchapter III, Chapter 101, Subchapter II, and Chapter 104, Sections 10404A(b)(1) and 10404B(b)(1).

Copies of the proposed amended Regulations are being published in the July 1, 2019 edition of the Delaware *Register of Regulations*. Copies are also on file in the Office of the State Bank Commissioner, 43 South DuPont Highway, Edgehill Shopping Center, Dover, DE 19901, and are available for inspection during regular office hours. Copies are available upon request.

Interested parties may offer comments on the proposed amended Regulations or submit written suggestions, data, briefs or other materials to the Office of the State Bank Commissioner at the above address as to whether the proposed amended Regulations should be adopted, rejected or modified. Pursuant to 29 **Del.C.** §10118(a), public comments must be received on or before August 2, 2019. Written materials submitted will be available for inspection at the above address.