

CALENDAR OF EVENTS/HEARING NOTICES

CALENDAR

March 2021

DELAWARE RIVER BASIN COMMISSION

PUBLIC NOTICE

The Delaware River Basin Commission held its quarterly public hearing on **Wednesday, February 10, 2021**. In light of COVID-19 mitigation measures in effect for DRBC member states, the hearing was held remotely. Please check the Commission's website, www.drbc.gov, for details regarding the draft docket decisions that were the subjects of the public hearing.

The Commission's quarterly business meeting will be held remotely on **Wednesday, March 10, 2021**, beginning at **10:30 a.m.** Please check the Commission's website, www.drbc.gov, for details about the meeting format and how to attend.

For additional information, please visit the DRBC website at www.drbc.gov or contact Denise McHugh at denise.mchugh@drbc.gov or Patricia Hausler at patricia.hausler@drbc.gov.

DEPARTMENT OF AGRICULTURE

THOROUGHBRED RACING COMMISSION

PUBLIC NOTICE

1001 Thoroughbred Racing Rules and Regulations

The Thoroughbred Racing Commission proposes to amend its Regulations adopted in accordance with Title 3, Chapter 101. The purpose of the proposed regulations is to amend Rules 2.3, 2.5.1.17.1, 2.5.1.22, 2.10, 3.4.1.15, 6.1.7, 7.3.4, 11.4, 11.14, 15.6.3, and 15.32. Other regulations issued by the Thoroughbred Racing Commission are not affected by this proposal. The Thoroughbred Racing Commission is issuing these proposed regulations in accordance with Title 3 of the Delaware Code. This notice is issued pursuant to the requirements of Chapter 101 of Title 29 of the Delaware Code.

A copy of the proposed regulations is being published in the March 1, 2021 edition of the Delaware Register of Regulations. A copy is also on file in the office of the Thoroughbred Racing Commission, 777 Delaware Park Boulevard, Wilmington, Delaware 19804 and is available for inspection during regular office hours. Copies are also published online at the *Register of Regulations* website: http://regulations.delaware.gov/services/current_issue.shtml.

Interested parties may offer written comments on the proposed regulations or submit written suggestions, data, briefs or other materials to the Thoroughbred Racing Commission at the above address as to whether these proposed regulations should be adopted, rejected or modified. Pursuant to 29 *Del.C.* § 10118(a), public comments must be received on or before April 1, 2021. Written materials submitted will be available for inspection at the above address.

On or after April 1, 2021, following review of the public comment, the Thoroughbred Racing Commission will determine whether to amend its regulations by adopting the proposed rules or make additional changes because of the public comments received.

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.)

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DELAWARE HEALTH CARE COMMISSION

PUBLIC NOTICE

Delaware Health Insurance Individual Market Stabilization Reinsurance Program and Fund

Pursuant to 16 *Del. C.* § 9903, the Delaware Health Care Commission, Department of Health and Social Services, is proposing revisions to the regulations governing the Delaware Health Insurance Individual Market Stabilization Reinsurance Program and Fund. On March 1, 2021, the Delaware Health Care Commission plans to publish as "proposed" revisions to the Delaware Health Insurance Individual Market Stabilization Reinsurance Program and Fund. The regulations revise some of the administrative procedures for the reinsurance program.

Copies of the proposed regulations are available for review in the March 1, 2021 edition of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Delaware Health Care Commission at (302) 255-4750.

Any person who wishes to make written suggestions, testimony, briefs or other written materials concerning the proposed regulations must submit them to Elisabeth Massa by Thursday, April 1, 2021, at:

Elisabeth Massa

Delaware Health Care Commission

1901 North DuPont Highway

New Castle, DE 19720

Email: elisabeth.massa@delaware.gov

Phone: (302) 255-4750

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

PUBLIC NOTICE

MAGI Methodology

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 the Delaware Social Services Manual (DSSM) regarding Modified Adjusted Gross Income (MAGI) Methodology, specifically, to align with recently issued federal guidance.

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, or by fax to 302-255-4413 by 4:30 p.m. on March 31, 2021. Please identify in the subject line: MAGI Methodology.

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.

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE
PUBLIC NOTICE

Streamline Application

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 31 *Del. C.* § 512, Delaware Health and Social Services (DHSS) / Division of Medicaid and Medical Assistance (DMMA) is proposing to amend Delaware Title XIX Medicaid State Plan regarding the Streamline Application, specifically, *to include questions for the justice-involved population and retroactive eligibility.*

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 Nicole.M.Cunningham@delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on March 31, 2021. Please identify in the subject line: Streamline Application.

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.

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE
PUBLIC NOTICE

Medication-Assisted Treatment (MAT)

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 31 *Del. C.* § 512, Delaware Health and Social Services (DHSS) / Division of Medicaid and Medical Assistance (DMMA) is proposing to amend Title XIX Medicaid State Plan regarding Medication-Assisted Treatment (MAT) to move coverage of the MAT benefit from the optional services sections of the Medicaid State Plan to the mandatory services section of the Medicaid State Plan for categorically needy populations, per federal requirements.

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, or by fax to 302-255-4413 by 4:30 p.m. on March 31, 2021. Please identify in the subject line: Medication-Assisted Treatment (MAT).

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.

DEPARTMENT OF STATE
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) and § 1764A, proposes to add a new regulation, clarifying the circumstances under which a prescriber regulated by Title 17 can request a waiver from the Board of the electronic prescribing requirements recently passed by the General Assembly. See HB 115 from the 150th General Assembly (online at <https://legis.delaware.gov/SessionLaws/Chapter?id=14937>). The Board will hold a public hearing on the proposed regulation change on April 6, 2021 at

3:00 p.m. via Zoom.

Zoom Meeting: <https://us02web.zoom.us/j/86730313735>

Meeting ID: 867 3031 3735

(646) 558-8656, 86730313735# US (New York)

(301) 715-8592, 86730313735# US (Washington DC)

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 April 21, 2021 pursuant to 29 *Del. C.* § 10118(a).

DIVISION OF PROFESSIONAL REGULATION
3500 BOARD OF EXAMINERS OF PSYCHOLOGISTS
PUBLIC NOTICE

The Delaware Board of Examiners of Psychologists, pursuant to 24 *Del. C.* § 3506(a)(1), proposes to revise its regulations. The proposed amendments to the regulations seek to require licensees to update their contact information with 10 days of any such change; clarify that psychological assistant registrants must complete a Board approved internship, not just a 450 hour practicum; enhance continuing education requirements by clarifying the maximum number of credits which may be earned for preparing and presenting scientific papers and posters; clarify the requirements for supervision of psychological assistants and direct applicants; clarify that "face-to-face" can include videoconferencing; and eliminates outdated or inconsistent telehealth and "appendix" regulations.

The Board will hold a public hearing telephonically on April 5, 2021 at 9:00 a.m. Written comments should be sent to Danielle Cross, Administrator of the Delaware Board of Examiners of Psychologists, Cannon Building, 861 Silver Lake Blvd, Suite 203, Dover, DE 19904. Written comments will be accepted until April 20, 2021.

DEPARTMENT OF TRANSPORTATION
DIVISION OF MOTOR VEHICLES
DRIVER SERVICES
PUBLIC NOTICE
2224 Defensive Driving Course, Providers, and Instructors

Pursuant to the authority provided by 21 *Del.C.* §302, 18 *Del.C.* §2503, 29 *Del.C.* §101, and 29 *Del.C.* §8404, the Delaware Division of Motor Vehicles (DMV), adopted the Defensive Driving Course, Providers, and Instructors.

The Division of Motor Vehicles seeks to adopt general revisions to its existing regulation, the Defensive Driving Course, Providers, and Instructors, to address recent legislation, current safety concerns, and allow the provider to present the course in different formats. These collective changes are administrative in nature and serve in part to clarify the intent of the Division as enacted through this regulation.

The DMV will take written comments on these proposed general revisions to Regulation 2224 of Title 2, Delaware Administrative Code, from March 1, 2021 through March 31, 2021. The public may submit their comments to:

Christie Thomas, Executive Secretary, Division of Motor Vehicles
(dmv-defensivedriving@delaware.gov) or in writing to her attention,
Delaware Department of Transportation (DelDOT)
Division of Motor Vehicles
PO BOX 698
Dover, DE 19903