



# Final Report 2023

Joint Legislative Oversight and Sunset Committee

*Respectfully submitted to the  
Governor and General Assembly  
July 2023*



# JLOSC Final Report 2023

Summary of work completed, 152<sup>nd</sup> General Assembly, Session 1

## 2023 Reviews

The Committee reviewed 6 entities and adopted a total of 18 recommendations.

### **Continued, Release Pending Enactment of Legislation:**

- Delaware State Arts Council (Department of State) – adopted 3 recommendations.
- State Fire Prevention Commission (Fire) – adopted 5 recommendations.
- Delaware Guardianship Commission (Courts) – adopted 4 recommendations.

### **Terminated, Release Pending Enactment of Legislation:**

- Tourism Advisory Board (Department of State) – adopted 2 recommendations.
- Delaware Byway Advisory Board (Department of Transportation) – adopted 3 recommendations.

### **Hold Over, Entity Report Due in January 2024:**

- Provider Advisory Board (Department of Education) – adopted 1 recommendation.

**Read more about 2023 Reviews on page 6.**

## Legislation

In 2023, the Committee and its staff embarked on another ambitious legislative effort which introduced 9 bills. These bills addressed statutory updates from adopted recommendations for entities reviewed in 2022 and 2023. The Committee also updated its own statute to reflect review process updates. Since legislation stemming from reviews often requires collaboration between the entity under review and Committee staff, future legislation will include substantial statutory changes to the State Fire Prevention Commission and Delaware Guardianship Commission as outlined in the Committee's adopted recommendations on page 13.

**Read more about Legislation on page 9.**

## 2024 Reviews

The Committee selected the following entities for full and focused review in 2024:

### Full Review

- Controlled Substance Advisory Committee (Division of Professional Regulation).
- Delaware Cemetery Board (Division of Public Health).
- Public Integrity Commission (Department of State).
- Professional Standards Board (Department of Education).

### Focused Review

- Lead Poisoning Prevention Program (Division of Public Health).
- Division of Unemployment Insurance Claimant Services (Department of Labor).
- Assisting the Office of the State Court Administrator with Relocation Options for Non-Judicial Agencies (Courts).
- Different Methods that Several State Entities Apply in Implementing the Public Comment Requirements of the Administrative Procedures Act.

**Read more about 2024 Reviews on page 10.**

2023 Joint Legislative Oversight and  
Sunset Committee Members:

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**Representative Sherry Dorsey Walker,  
Vice Chair**

**Representative Richard Collins**

**Senator Kyle Evans Gay**

**Senator Russell Huxtable**

**Representative Kendra Johnson**

**Representative Stell Parker Selby**

**Senator Brian Pettyjohn**

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**Representative Jeffrey Spiegelman**



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The Division of Research is a nonpartisan and confidential reference bureau for the General Assembly and provides many services including staff support for JLOSC.

We appreciate the assistance provided by entities under review and their staff.

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# A Note About This Report

The Joint Legislative Oversight and Sunset Committee (“JLOSC” or “Committee”) approved this final report on June 8, 2023. The following pages summarize the Committee’s work during the first session of the 152<sup>nd</sup> General Assembly which includes 2023 reviews, legislation, and 2024 review selections. The Committee’s website provides full reports and additional information.<sup>1</sup>

## About the Committee

Delaware’s Legislative Oversight and Sunset Law, enacted in 1979 in Chapter 102 of Title 29, provides for the periodic legislative review of state agencies, boards, councils, and commissions. The purpose of review is to determine if there is a public need for an entity and, if so, to determine if it is effectively performing to meet that need. In general, the Committee will not review an entity more than once every six years.

JLOSC is responsible for guiding the review process. The Committee is a bipartisan committee comprised of 10 legislators, with 5 senator appointments from the Senate President Pro Tempore and 5 representatives appointed by the Speaker of the House.

In general, conducting a review spans a ten-to twelve-month period commencing in April. Each entity under full review provides a self-report that contains a questionnaire designed to meet statutory criteria and provide preliminary information. The entity under review has the burden of showing that there is a genuine public need, and that the entity is meeting that need. JLOSC staff complete a performance evaluation of each entity under full review and prepare a Staff Findings and Recommendations Report (“staff report”). The staff report includes key findings, conclusions, and recommendations for JLOSC consideration. Recommendations are not finalized until reviewed, discussed, and adopted by JLOSC with an affirmative vote of 7 members. Public hearings serve as a critical component of the review process because they provide an opportunity for JLOSC to assess and question the entity under review regarding public need and performance.

At the conclusion of a review, JLOSC may recommend the continuance, consolidation, reorganization, transfer, or termination (sunset) of an entity. The Committee utilizes the sunset feature for entities that have concluded its statutory mission, are no longer operational, or duplicate a service. JLOSC does not terminate entities found to be serving a genuine public need and responsive to public interests. The Committee works with these entities to formalize specific statutory and non-statutory recommendations with an end goal of improving the entity’s overall function, performance, and accountability.

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<sup>1</sup> Committee’s website available at <https://legis.delaware.gov/Committee/Sunset>.

# 2023 Reviews

During the fall of 2020, JLOSC staff reviewed and restructured the process of completing reports and research for the Committee. Staff presented these improvements to the Committee during its January 25, 2021, orientation meeting and, with the Committee's support, implemented a new streamlined review process. This year JLOSC updated its governing statute to reflect these updates.<sup>2</sup>

In 2023, JLOSC held 10 hybrid meetings, providing the option of attending meetings in person or virtually.<sup>3</sup> JLOSC completed review of 6 entities in the 2023 review cycle and introduced legislation for 4 of these entities.<sup>4</sup> The following is a summary of staff findings and adopted recommendations from each public meeting held.

## Continued, Release Pending Enactment of Legislation

### ➤ Delaware State Arts Council (Department of State).

- Public hearing held on March 1, 2023.
- [7 Total Staff Findings](#): Overall, JLOSC staff found the Council to be a high performer, meeting its statutory duties, and highly engaged in promoting the arts in Delaware. The Council meets often and effectively reviews and approves grant applications received through the Division of the Arts.
- [3 Total Staff Recommendations](#), JLOSC adopted on March 1, 2023:
  - Continue the Council.
  - JLOSC will sponsor a bill applying technical changes and statute revisions.
  - Release from review upon enactment of legislation.<sup>5</sup>

### ➤ State Fire Prevention Commission (Fire).

- Public hearing held on May 18, 2023.
- [10 Total Staff Findings](#): Overall, JLOSC staff found the Commission to be a high performer but requiring more resources to meet its growing statutory duties. Along with additional staff, other needs identified included behavioral health support for first responders and assistance with annual financial review analysis "audit" requirements for 63 volunteer fire and ambulance companies. Numerous areas of statutory cleanup were identified to remove outdated language and processes.
- [5 Total Staff Recommendations](#), JLOSC adopted on May 18, 2023:
  - Continue the Commission.
  - JLOSC will sponsor a bill applying technical changes and statute revisions.
  - Commission will consider revising their regulations.
  - Commission will consider administrative updates.
  - Release from review upon enactment of legislation.<sup>6</sup>

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<sup>2</sup> Senate Bill 134 signed by the Governor on June 30, 2023.

<sup>3</sup> All meeting minutes and replay videos are available on the Committee's [website](#) under "past meetings."

<sup>4</sup> All self and staff reports available under the [2022 review tab](#) of the Committee's [website](#).

<sup>5</sup> Senate Bill 136 passed June 22, 2023, ready for action by Governor.

<sup>6</sup> JLOSC and State Fire Prevention Commission staff will work together to develop statutory revisions.

➤ **Delaware Guardianship Commission (Courts).**

- Public hearing held on April 6, 2023.
- [5 Total Staff Findings](#): Overall, JLOSC staff found the Commission to be a high performer but requiring more resources to meet its statutory duties. Staff identified adult guardianship support and advocacy as not specific to the Office of the Public Guardian. With issues surrounding adult guardianship, a national approach and network exists to find collaborative solutions. This national approach is known as a Working Interdisciplinary Networks of Guardianship Stakeholders Group, commonly using the acronym “WINGS.” Since adult guardianship cases and issues will continue to rise, JLOSC staff recommended modifying this Commission into a WINGS group to incorporate additional stakeholders and advocacy topics.
- [4 Total Staff Recommendations](#), JLOSC adopted on April 6, 2023:
  - Continue the Commission.
  - JLOSC will sponsor a bill applying technical changes and statute revisions.
  - Commission will consider revising their bylaws.
  - Release from review upon enactment of legislation.<sup>7</sup>

## **Terminated, Release Pending Enactment of Legislation**

➤ **Tourism Advisory Board (Department of State).**

- Public hearing held on February 21, 2023.
- [5 Total Staff Findings](#): Review and analysis by JLOSC staff concluded that the Delaware Tourism Office oversees a functioning and award-winning tourism program without support from the Tourism Advisory Board. Since January 1, 2018, the Tourism Advisory Board held only 4 meetings and did not meet at all during 2020 and 2021. The Board has not conducted independent research, been involved with ongoing projects, or offered advice to the Delaware Tourism Office in at least a decade.
- [2 Total Staff Recommendations](#), JLOSC adopted on February 21, 2023:
  - Sunset (terminate) the Board.
  - Release pending enactment of sunset legislation.<sup>8</sup>

➤ **Delaware Byway Advisory Board (Delaware Department of Transportation).**

- Public hearing held on March 23, 2023.
- [6 Total Staff Findings](#): Review and analysis by JLOSC staff concluded the Delaware Byway Advisory Board is not operational. The Delaware Byways program is currently not accepting applications for new byways. The existing 6 byways are self-governed by Byway Management Organizations and individual Corridor Management Plans, showing that the Advisory Board is not meeting a state need.
- [3 Total Staff Recommendations](#), JLOSC adopted on March 23, 2023:
  - Sunset (terminate) the Board.
  - Website updates and publish the 2021 byway program guide.
  - Release pending enactment of sunset legislation.<sup>9</sup>

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<sup>7</sup> JLOSC and Delaware Guardianship Commission staff will work together to develop statutory revisions.

<sup>8</sup> Senate Bill 137 passed June 22, 2023, awaiting Governor's signature.

<sup>9</sup> Senate Bill 138 signed by the Governor on June 30, 2023.

## Hold Over, Entity Report Due in January 2024

### ➤ Provider Advisory Board (Department of Education).

- Public hearing held on March 21, 2023.
- [4 Total Staff Findings](#): JLOSC staff recommended to terminate the board after their review and analysis, which included the following conclusions:
  - The Office of Early Learning, Office of Child Care Licensing, and the Delaware Early Childhood Council provide multiple avenues in which licensed childcare providers can participate and advise the Department regarding issues facing the early childcare community.
  - Following the move of the Provider Advisory Board from the Department of Services for Children, Youth, and Their Families to the Department of Education, over 60 meetings relating to early childhood care and education were held by the Department of Education, while only 5 meetings were held by the Provider Advisory Board.
  - The Provider Advisory Board has not met its statutory requirements in consistently advising the Office of Child Care Licensing and Department of Education on proposed regulations or informing the public and other stakeholder groups of its meetings. Overall, JLOSC staff observed substantial and long-documented FOIA compliance issues.
- [4 Total Staff Recommendations](#), proposed by staff, JLOSC did not adopt:
  - Sunset (terminate) the Board.
  - Add additional provider representative to Delaware Early Childhood Council.
  - Consider holding more meeting opportunities in the evening.
  - Release pending enactment of sunset legislation.
- [1 JLOSC Member Revised Recommendation](#), JLOSC adopted on April 6, 2023:
  - Hold over the Board, functions of the Provider Advisory Board consolidated into the functions of the Delaware Early Childhood Council.
    - The Committee will sponsor legislation to implement the consolidation.<sup>10</sup>
    - The Board is required to report back to the Committee in January 2024. Hold over benchmarks include whether the Board held regular meetings during the hold over period, had minimal FOIA violations during the hold over period, and met its statutory functions adequately during the hold over period.

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<sup>10</sup> Senate Bill 135 signed by the Governor on June 30, 2023.



# Legislation

## Legislation Introduced

JLOSC drafted and approved 9 bills in 2023. Included below is a brief description and status for each bill.<sup>11</sup>

- Senate Bill 47: Council on Libraries – Technical corrections and statute updates (2022 review).
  - Signed by the Governor on June 28, 2023.
- Senate Bill 48: Council on Libraries, Public Library Technology Act (“PLTA”) – PLTA grants are no longer issued (2022 review).
  - Signed by the Governor on June 28, 2023.
- Senate Bill 49: Governor’s Commission on Community and Volunteer Services – Technical corrections and statute updates (2022 review).
  - Signed by the Governor on June 28, 2023.
- Senate Bill 50: Pedestrian Council – Codify the Council (2022 review).
  - Signed by the Governor on June 28, 2023.
- Senate Bill 134: JLOSC – Technical corrections and statute updates.
  - Signed by the Governor on June 29, 2023.
- Senate Bill 135: Provider Advisory Board/Delaware Early Childhood Council – Consolidate functions of the Board into the functions of the Delaware Early Childhood Council.
  - Signed by the Governor on June 30, 2023.
- Senate Bill 136: Delaware State Arts Council – Technical corrections and statute updates.
  - Passed June 22, 2023, awaiting Governor’s signature.
- Senate Bill 137: Tourism Advisory Board – Sunset the Board.
  - Passed June 22, 2023, awaiting Governor’s signature.
- Senate Bill 138: Byway Advisory Board – Sunset the Board.
  - Signed by the Governor on June 30, 2023.

## Future Legislation

The following is a list of legislation planned for upcoming sessions.

- Delaware Nursing Home Residents Quality Assurance Commission.
  - Codify name change and budgetary, administrative responsibility.
- Health Resources Board.
  - Technical corrections; restructure into an advisory board; create state-wide utilization study; modifications to board composition, procedures, activities subject to review, and charity care.
- Adult Protective Services.
  - Technical corrections, creating vulnerable adult commission.
- State Fire Prevention Commission.
  - Technical corrections, statutory modifications.
- Delaware Guardianship Commission.
  - Technical corrections, statutory modifications.
- Ongoing Clean-Up Project with the Governor’s Office:
  - Items as identified.

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<sup>11</sup> Status as of June 30, 2023.

# 2024 Reviews

JLOSC selected the following entities for full and focused review:

## Full Review

- **Controlled Substance Advisory Committee (Division of Professional Regulation: Department of State).**
  - Advise the Secretary in matters relating to the Uniform Controlled Substances Act.
  - Regulates and monitors controlled substance use and abuse through registration, inspection, investigation, and education.
  - Registers prescribers, dispensers, and other controlled substance registrants.
  - Issues and renews licenses.
  - Makes recommendations of new or amended controlled substance regulations and disciplinary actions of registrants who violate the law.
- **Delaware Cemetery Board (Division of Public Health: Department of Health and Social Services).**
  - Create rules and regulations to implement Board's statutory power and duties.
  - Designate the registration form for all cemeteries.
  - Address specific cemetery issues as requested by the Governor or the General Assembly.
  - Administer the Distressed Cemetery Fund (created in 2008):
    - Application process.
    - Designate a cemetery as "distressed."
    - Payment authorization.
    - Accounting of funds.
    - Funded by \$2 surcharge on death certificate copies.
    - Fund has annual State Auditor's Office audit mandate.
- **Public Integrity Commission (Department of State).**
  - Recommend rules of conduct for public employees to the General Assembly.
  - Issue advisory opinions at the request of state employees relating to the Code of Conduct.
  - Instruct its Counsel to investigate alleged violations of the Code of Conduct.
  - Report substantial evidence of a violation of criminal law.
  - Maintain record of its proceedings, waiver decisions, and advisory opinions.
  - Prepare and publish manuals and guides explaining the duties of state employees and officials.
  - Aid state agencies, employees, and officials in administering the Code of Conduct.
- **Professional Standards Board (Department of Education).**
  - Develop rules and regulations relating to educators' professional development, licensure requirements, certification requirements, and paraprofessional qualifications and training.
  - Works closely with DOE to implement regulations and required by statute to file quarterly reports with the General Assembly, Governor, State Board, and DOE.
  - Board appoints an executive director.
  - Two standing committees identified in statute: (1) Licensure and Certification Criteria and (2) Professional Development and Associated Compensation. Each standing committee has at least 1 member of the Professional Standards Board.

## Focused Review

- **Lead Poisoning Prevention Program (Division of Public Health: Department of Health and Social Services).**
  - Objective of the Review: An evaluation of the following structures of Delaware's lead poisoning prevention programs as it relates to childhood screening and water sampling:
    - Access to screening at 12 and 24 months.
    - Water Testing Program in Delaware schools.
    - Analysis of funds available.
  - Scope: 3-year period.
- **Division of Unemployment Insurance Claimant Services (Department of Labor).**
  - Objective of the Review: An evaluation of claimant services in the Division of Unemployment Insurance with a focus on:
    - Current time required to process a claim.
    - Current notification system.
    - Staffing and funding mechanisms required to meet demand.
  - Scope: Current processes and any changes made within the last 3 years.
- **Assisting the Office of the State Court Administrator with Relocation Options for Non-Judicial Agencies (Courts).**
  - Objective of the Review: Assisting with research regarding organizational relocation of the four non-judicial agencies under the judicial branch, which include:
    - Office of the Public Guardian.
    - Office of the Child Advocate.
    - Maternal and Child Death Review Commission.
    - Delaware Nursing Home Residents Quality Assurance Commission.
  - Scope: 3-year period.
- **Different Methods that Several State Entities Apply in Implementing the Public Comment Requirements of the Administrative Procedures Act.**
  - Objective of the Review: Evaluate how state agencies related to JLOSC reviews over the last 3 years implement public comment in the promulgation of regulations.
  - Scope: 3-year period.

## Overview of 2024 Review Process

JLOSC selected entities for full reviews based on a list prepared by staff, which included a proactive list of boards and commissions never reviewed by JLOSC or related to entities created in the last several decades. Focused reviews provide the Committee an opportunity to review specific policy areas within agencies. JLOSC selected entities for the 2024 review cycle at their March 2, 2023, and June 8, 2023, meetings.

JLOSC staff noticed all entities for full review on March 17, 2023. Each notice provided a shared drive link with review instructions and forms.<sup>12</sup> Entities completed and returned a self-report in May 2023. The self-report is the first presentation to JLOSC regarding the entity's purpose, mission,

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<sup>12</sup> Google drive [link](#) included on the JLOSC review notice memo available on the JLOSC website under the [2024 review section](#).

and performance. JLOSC staff drafted the questions in the self-report but did not edit received self-reports. Entities under review are responsible for the contents of their self-report.

Committee staff distributed self-reports for full review entities under 2024 review to JLOSC members in June 2023. The public can access these self-reports on the Committee's website.<sup>13</sup> The full review cycle will continue using the new streamlined review process developed and implemented by JLOSC staff and first used during the 2022 review cycle. The new streamlined review process includes a self-report, staff report, and a public hearing.<sup>14</sup>

Committee staff began research on focused review projects in the spring of 2023 and anticipate presenting reports to JLOSC, which include staff findings and recommendations, in early 2024.

Public comment is valuable to the review process and JLOSC staff encourages the public to submit comments concerning any entity under full or focused review via email at [sunset@delaware.gov](mailto:sunset@delaware.gov) or anonymously by using the [public comment form](#).

The 2<sup>nd</sup> session of the 152<sup>nd</sup> General Assembly begins in January 2024. JLOSC sets its annual meeting schedule at their annual orientation meeting, typically held in January.<sup>15</sup>

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<sup>13</sup> Self-reports available on the JLOSC website under the [2024 review section](#).

<sup>14</sup> Public hearing includes a presentation from the entity, public comment, overview of staff report, and Committee consideration of recommendations. Staff reports available on the JLOSC website prior to the public hearing.

<sup>15</sup> All meeting dates announced on JLOSC website and Delaware's Public Meeting Calendar.



# Appendix A

## 2023 Adopted Staff Recommendations

### Delaware State Arts Council

Staff Recommendations Adopted by JLOSC on March 1, 2023

#### **Recommendation #1, Option 1 – Continue the Delaware State Arts Council**

After review and analysis, JLOSC staff recommends option 1, continue the Delaware State Arts Council, subject to any further recommendations that JLOSC adopts.

**Continue or Terminate (standard JLOSC recommendation).**

Option 1: The Delaware State Arts Council shall continue, subject to any further recommendations that JLOSC adopts.  
- OR -

Option 2: The Delaware State Arts Council is terminated, and the Committee will sponsor legislation to implement this recommendation.

#### **Recommendation #2 – Statute Revisions**

JLOSC should consider sponsoring a bill to apply technical corrections to the governing statute of the Delaware State Arts Council, Chapter 87, Title 29, and using this review as a guide, applying revisions to sections covering topics such as:

- **Update Council composition.**<sup>16</sup>
  - Define quorum.
- **Update and define subcommittee and grant panel processes.**

JLOSC and Delaware State Arts Council administrative staff will work together to develop statutory revisions. JLOSC staff will engage stakeholders as necessary.

#### **Recommendation #3 – Release from Review.**

Release the Delaware State Arts Council from review upon enactment of legislation applying technical corrections and changing board composition listed under Recommendations 2.

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<sup>16</sup> 29 Del. C. § 8728.

# State Fire Prevention Commission

## Staff Recommendations Adopted by JLOSC on May 18, 2023

### **Recommendation #1, Option 1 – Continue the State Fire Prevention Commission.**

After review and analysis, JLOSC staff recommends Option 1, to continue the State Fire Prevention Commission, subject to further recommendations that JLOSC adopts.

**Continue or Terminate (standard JLOSC recommendation).**

**Option 1:** The State Fire Prevention Commission shall continue, subject to further recommendations that JLOSC adopts.

- OR -

**Option 2:** The State Fire Prevention Commission is terminated, and JLOSC will sponsor legislation to implement this recommendation.

### **Recommendation #2 – Statute Revisions.**

JLOSC should consider sponsoring a bill making technical corrections to the State Fire Prevention Commission's governing statute, in Chapters 66 and 67 of Title 16. JLOSC and State Fire Prevention Commission staff will work together to develop statutory revisions, and JLOSC staff will engage stakeholders as appropriate.

Using this review as a guide, the bill should revise the relevant provisions of the Delaware Code covering topics such as:

- **Creating a chapter that reflects modern practices and outlines the duties of the Fire Commission office staff, performed under the direction of the Fire Commission appointed executive director.**
  - Consider creating a name for the Fire Commission office staff, such as the Division of Basic Life Support and Fire Regulation.
  - Consider changing the title of the executive director in the Code to director.<sup>17</sup>
- **Updating composition of Governor-appointed Commission members.<sup>18</sup>**
  - Include 1 member certified as an emergency medical technician ("EMT").
  - Include 1 member of the public.
- **Updating Commission authority relating to Office of the Fire Marshal and State Fire School.**
  - Remove outdated hiring practices that require Commission approval.
  - Capture modern agency management practices by transferring authority to Commission-appointed State Fire School director and State Fire Marshal where appropriate.
  - Include Commission oversight duties of all offices under its direction.
    - Commission approval of all annual reports.
    - Commission sets data sets received at meetings from each office.
- **Updating annual financial audit language to reflect current process.<sup>19</sup>**
  - Current regulations define the process not as an audit, but as an annual "financial data analysis" completed by an independent certified public accounting firm at a minimum "review" level.
  - Commission will still retain authority to order a full financial audit at its discretion.

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<sup>17</sup> This proposed legislation is not intended to include an adjustment in compensation. Compensation adjustments and considerations follow an annual budget process, which is separate from JLOSC review process. This statute modification would adjust the job title in the Delaware Code to accurately reflect the role and duties of the position.

<sup>18</sup> 16 Del. C. § 6602.

<sup>19</sup> 16 Del. C. § 6608.

- **Updating outdated advisory committee references.**
- **Updating Incident Review Committee.**
  - Include reference to the Statewide Basic Life Support (BLS) Quality Assurance and Quality Improvement Committee found in regulations, if appropriate.
- **Removing the outdated term, “ambulance attendant,” throughout Delaware Code.<sup>20</sup>**
- **Adding the term, “Emergency Medical Responders.” throughout Delaware Code where appropriate.**
- **Update definitions for frequently used actors, such as “volunteer firefighters” and “volunteer fire departments.”**
- **Updating Basic Life Support (“BLS”) education review and approval.<sup>21</sup>**

### **Recommendation #3 – Update Regulations.**

The State Fire Prevention Commission shall consider revising their regulations to do the following:

- **Create certification process for volunteer firefighter members, which identifies who receives criminal background check results.**
  - Include a process for volunteer fire department membership appeals.
  - Determine if this should include career firefighters.
- **Create conduct standards for firefighters and fire companies.**
- **Create educational standards for firefighters.**
- **Create equipment standards for fire companies.**
- **Create complaint and investigation process for firefighter and fire companies.**
  - Include possible disciplinary measures.
  - Determine if this includes career firefighters.
- **Create process to review firefighter injuries.**
  - Identify data collection process.
- **Establish a new, separate chapter for EMT and EMR regulations.**
  - Revise EMT complaint and investigation process to reflect current processes.
  - Review and revise licensure process for EMTs and EMRs.
    - Include language from National Registry that issues certifications for 3 years when issued between July 1 and December 31.
- **Update annual financial review requirements to incorporate the recommendations of the 2017 legislative task force as documented in Recommendations for Reporting and Compliance located in Appendix G of the 2018 final report.**
  - Consider applying further updates based on review of current requirements and procedures.
- **Gender neutralize language in regulations.**
- **Promulgate regulations to implement the REPLICA Compact in collaboration with the Department of Health and Social Services and the Division of Professional Regulations.**

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<sup>20</sup> Referenced in at least 11 different sections, in Titles 16 and 21.

<sup>21</sup> Collaborate with JLOSC staff and Office of Emergency Medical Services on updating the statute on BLS.

#### **Recommendation #4 – Administrative Updates.**

The State Fire Prevention Commission shall consider:

- **Updating the mission statement of the State Fire Prevention Commission to include Basic Life Support.**
  - Current mission statement on the Commission's website states: "The State Fire Prevention Commission is charged with the protection of life and property from fire for the people of Delaware and to oversee the operation of the Delaware State Fire Marshal's Office and the Delaware State Fire School."
- **Including the process and procedure for the Volunteer Ambulance Company Fund on the Commission's website.**
- **Developing and publishing a commissioner's handbook to provide onboarding and guidance to appointed commissioners. Suggested topics include:**
  - Overview of the Freedom of Information Act and the Administrative Procedures Act.
    - Ensure all created committees or subcommittees adhere to FOIA requirements.
  - Commissioner's conduct and ethics.
  - Hearing conduct and procedure.
  - Office and employee structure and duty overview for the 3 offices under the oversight of the Fire Commission.
  - Overview of certification requirements, complaint, and disciplinary process for each certification type.
  - Confidentiality agreement.
- **Exploring Commissioner and staff educational opportunities.**
  - Include overview of specific completed training activities for Commissioners and office staff in annual report.
- **Review available training and resources dedicated to financial management for volunteer fire and ambulance companies.**
  - Consider creating OnDemand training and resources available on the Fire Commission or State Fire School websites.
- **Review annual financial review requirements and procedures.**
  - Determine expectations and goals.
    - Based on discussions, determine if the type of annual financial analysis and frequency should be adjusted.
  - Review available financial educational resources.
  - Review Commission staffing needs to process annual reviews.
  - Update Commission website to include *Recommendations for Internal Control Best Practices* from the 2017 task force final report.
  - Consider offering remedial training to volunteer fire and ambulance companies found in noncompliance of Commission's annual financial review requirements.
- **Review BLS training approval and processes.**
  - Work with the Office of Emergency Medical Services to streamline and improve this process.
- **Updating Memorandum of Agreements as identified in this report.**
  - Work with applicable agencies to develop needed agreements.

#### **Recommendation #5 – Release from Review.**

Release the State Fire Prevention Commission from review upon enactment of legislation under Recommendations 2.

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# Delaware Guardianship Commission

## Staff Recommendations Adopted by JLOSC on April 6, 2023

### Recommendation #1, Option 1 – Continue the Delaware Guardianship Commission

After review and analysis, JLOSC staff recommends option 1, continue the Delaware Guardianship Commission, subject to any further recommendations that JLOSC adopts.

Continue or Terminate (standard JLOSC recommendation).

Option 1: The Delaware Guardianship Commission shall continue, subject to any further recommendations that JLOSC adopts.

- OR -

Option 2: The Delaware Guardianship Commission is terminated, and the Committee will sponsor legislation to implement this recommendation.

### Recommendation #2 – Statute Revisions

JLOSC should consider sponsoring a bill to apply technical corrections to the governing statute of the Delaware Guardianship Commission, Chapter 39, Title 12, and using this review as a guide, applying revisions to sections covering topics such as:

- Consider a name update to “Delaware Adult Guardianship Commission.”
- Update Commission composition.<sup>22</sup>
  - Update membership consistent with national WINGS groups.
  - Define quorum.
  - Update Commission staffing resources.
- Update Commission duties.<sup>23</sup>
  - Incorporate duties consistent with national WINGS groups.
  - Receive non-identifying data from the Office of the Public Guardian.<sup>24</sup>
- Update Commission references in Subchapter VI. Public Guardian.<sup>25</sup>
  - Remove Public Guardian as Executive Director the Commission.

JLOSC and Delaware Guardianship Commission staff will work together to develop statutory revisions. JLOSC staff will engage stakeholders as appropriate. While statutory revisions are developed, the Commission will continue working on developing the standards for fee collection as prescribed in 12 *Del. C.* § 3986.

### Recommendation #3 – Update Bylaws.

The Delaware Guardianship Commission shall consider revising their bylaws.

- Update quorum to accepted standards.
- Apply updated FOIA provisions pertaining to virtual meetings.
- Remove Public Guardian as Commission chair, allow Commission to vote for all officer positions from the voting membership.
- Update duties of the Office of the Public Guardian to present non-identifying data at Commission meetings at a frequency requested by Commission members.<sup>26</sup>

### Recommendation #4 – Release from Review.

Release the Delaware Guardianship Commission from review upon enactment of legislation applying technical corrections and other changed listed under Recommendations 2.

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<sup>22</sup> 12 *Del. C.* § 3991.

<sup>23</sup> 12 *Del. C.* § 3992.

<sup>24</sup> Examples listed under Finding #1 of Staff Report.

<sup>25</sup> 12 *Del. C.* § 3981 and 12 *Del. C.* § 3983.

<sup>26</sup> Examples listed under Finding #1 of Staff Report.

# Tourism Advisory Board

Staff Recommendations Adopted by JLOSC on February 21, 2023

## **Recommendation #1, Option 2 – Sunset the Tourism Advisory Board**

Review and analysis by JLOSC staff conclude the Delaware Tourism Office oversees a functioning and award-winning tourism program without support from the Tourism Advisory Board. Since January 1, 2018, the Tourism Advisory Board held only 4 meetings and did not meet at all during 2020 and 2021. The Board has not conducted independent research, been involved with any ongoing projects, or offered advice to the Delaware Tourism Office in at least a decade.

JLOSC staff recommends Option 2: Sunset the Tourism Advisory Board with JLOSC sponsoring legislation to implement this recommendation.

**Continue or Terminate (standard JLOSC recommendation).**

Option 1: The Tourism Advisory Board shall continue, subject to any further recommendations that JLOSC adopts.  
- OR -

Option 2: The Tourism Advisory Board is terminated, and the Committee will sponsor legislation to implement this recommendation.

## **Recommendation #2 – Release from Review.**

Release the Tourism Advisory Board from review upon enactment of sunset legislation.

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# Delaware Byway Advisory Board

Staff Recommendations Adopted by JLOSC on March 23, 2023

## **Recommendation #1, Option 2 – Sunset the Delaware Byway Advisory Board**

Review and analysis by JLOSC staff conclude the Delaware Byway Advisory Board is not operational. The Delaware Byways program is currently not accepting applications for new byways. The existing 6 byways are self-governed by Byway Management Organizations and individual Corridor Management Plans, showing that the Advisory Board is not meeting a state need.

JLOSC staff recommends Option 2: Sunset the Delaware Byway Advisory Board with JLOSC sponsoring legislation to implement this recommendation.

Continue or Terminate (standard JLOSC recommendation).

Option 1: The Delaware Byway Advisory Board shall continue, subject to any further recommendations that JLOSC adopts.  
- OR -

Option 2: The Delaware Byway Advisory Board is terminated, and the Committee will sponsor legislation to implement this recommendation.

## **Recommendation #2 – Website Update and Publish 2021 Delaware Byways Program Guide**

The Delaware Department of Transportation shall update the Delaware Byway Program website to reflect current operation:

- Remove information for suggesting and nominating new byways.
- Publish the 2021 Delaware Byways Program Guide.
- Publish the annual, written status reports of each Byway Management Organization as outlined in the Delaware Byways Program Guide.
- Publish updated Corridor Management Plans.

## **Recommendation #3 Release from Review**

Release the Delaware Byway Advisory Board from review upon enactment of sunset legislation.

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# Appendix B

## 2023 Adopted JLOSC Member Revised Recommendation

### Provider Advisory Board

JLOSC Member Revised Recommendation Adopted by JLOSC on April 6, 2023

**JLOSC Member \*REVISED\* Recommendation #1 – Transfer Provider Advisory Board functions. Recommendation including holding over the Provider Advisory Board until January 2024:**

The functions of the Provider Advisory Board shall be consolidated into the functions of the Delaware Early Childhood Council. The Committee shall sponsor legislation to implement the consolidation.

The Provider Advisory Board shall be held over and required to report back to JLOSC in January 2024. Hold over benchmarks include:

- Whether the Board held regular meetings during the hold over period.
- Whether the Board had minimal FOIA violations during the hold over period.
- Whether the Board met its statutory functions adequately during the hold over period.

The Board's hold over report must include a summary of the Board's actions and progress on holdover benchmarks from the date this recommendation is approved through January 2024.

JLOSC staff shall monitor, and report back to the Committee in January 2024, the implementation of this recommendation as it impacts both the Board and the Delaware Early Childhood Council.

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# Appendix C

## 2023 Proposed Staff Recommendations

### Provider Advisory Board

#### Proposed Staff Recommendations Not Adopted by JLOSC

##### **Recommendation #1, Option 2 – Sunset the Provider Advisory Board**

Review and analysis by JLOSC staff conclude the Office of Early Learning, Office of Child Care Licensing, and the Delaware Early Childhood Council provide multiple avenues in which licensed child care providers can participate and advise the Department regarding issues facing the early child care community. Following the move from Department of Services for Children, Youth, and their Families to the Department of Education, over 60 meetings relating to early childhood care and education were held by the Department while only 5 meetings were held by the Provider Advisory Board. Additionally, the Provider Advisory Board has not met its statutory requirements in consistently advising the Office and Department on proposed regulations or informing the public and other stakeholder groups of its meetings.

JLOSC staff recommends Option 2: Sunset the Provider Advisory Board with JLOSC sponsoring legislation to implement this recommendation.

Continue or Terminate (standard JLOSC recommendation).

Option 1: The Provider Advisory Board shall continue, subject to any further recommendations that JLOSC adopts.  
-OR-

Option 2: The Provider Advisory Board is terminated, and the Committee will sponsor legislation to implement this recommendation.

##### **Recommendation #2 – Add Additional Provider Representative to Delaware Early Childhood Council**

JLOSC should consider sponsoring a bill to add an additional provider representative to the Delaware Early Childhood Council, Chapter 30, Title 14, using this review as a guide.

JLOSC and Department of Education staff will work together to develop the legislation. JLOSC staff will engage stakeholders as necessary.

##### **Recommendation #3 – Hold more meeting opportunities in the evening**

JLOSC shall recommend the Early Childhood Education units in the Department of Education explore holding more meeting opportunities in the evening hours after most providers close for business.

##### **Recommendation #4 - Release from Review**

Release the Provider Advisory Board from review upon enactment of sunset legislation.