

DEPARTMENT OF AGRICULTURE
HARNESS RACING COMMISSION
501 Harness Racing Rules and Regulations
PUBLIC NOTICE

The Delaware Harness Racing Commission, pursuant to 3 Del.C. §10005, proposes to change its Rule 5.1.8. The Commission will hold a public hearing on the proposed rule changes on May 11, 2010. Written comments should be sent to Hugh J. Gallagher, Administrator of Harness Racing, Department of Agriculture, 2320 S. DuPont Highway, Dover, DE 19901. Written comments will be accepted for thirty (30) days from the date of publication in the *Register of Regulations* on April 1, 2010.

The proposed changes are for the purpose of updating Rule 7 and reflect current policies, practices and procedures. Copies are published online at the *Register of Regulations* website: http://regulations.delaware.gov/services/current_issue.shtml

A copy is also available for inspection at the Harness Racing Commission office.

DEPARTMENT OF EDUCATION
PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, April 15, 2010 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF MEDICAID AND MEDICAL ASSISTANCE
PUBLIC NOTICE
Citizenship and Alienage and Deemed Newborns

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) 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 make administrative changes to the Title XIX Medicaid and the Title XXI Delaware Healthy Children Program state plans, as well as the Division of Social Services Manual (DSSM) regarding *Citizenship and Alienage and Deemed Newborns*.

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 Sharon L. Summers, Planning & Policy Development Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to 302-255-4425 by April 30, 2010.

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 PUBLIC HEALTH
PUBLIC NOTICE
4455 Delaware Regulations Governing a Detailed Plumbing Code

The Health Systems Protection Section, under the Division of Public Health, Department of Health and Social Services (DHSS), will hold a public hearing to discuss the proposed Regulations Governing a Detailed Plumbing Code. Delaware law requires the Division of Public Health to adopt and enforce the most recent version of the International Plumbing Code (IPC) within one calendar year of its issuance, in conformity with the basic plumbing principles provided in Title 16 of the Delaware Code. Additionally, the Division of Public Health may adopt and enforce additional plumbing regulations which shall not be in conflict with the IPC and the basic plumbing principles

set forth in this Chapter. The IPC is issued every 3 years.

The public hearing will be held on April 22, 2010 at 10:00 a.m. in the Third Floor Conference Room, located in the Jesse Cooper Building, 417 Federal Street, Dover, Delaware.

Copies of the proposed regulations are available for review in the April 1, 2010 edition of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Office of Health Systems Protection at (302) 744-4842.

Anyone wishing to present his or her oral comments at this hearing should contact Ms. Deborah Harvey at (302) 744-4700 by April 20, 2010. Anyone wishing to submit written comments as a supplement to or in lieu of oral testimony should submit such comments by April 30, 2010 to:

Deborah Harvey, Hearing Officer
Division of Public Health
417 Federal Street
Dover, DE 19901
Fax (302) 739-6659

DIVISION OF SOCIAL SERVICES
PUBLIC NOTICE
9059 Income Exclusions

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 31 of the Delaware Code, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Social Services is proposing to amend policies in the Division of Social Services Manual (DSSM) regarding the Food Supplement Program regarding *Income Exclusions*.

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 Sharon L. Summers, Policy, Program & Development Unit, Division of Social Services, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to (302) 255-4425 by Friday, April 30, 2010.

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 SOCIAL SERVICES
PUBLIC NOTICE
Child Care Subsidy Program

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 31 of the Delaware Code, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Social Services is proposing to amend Child Care Subsidy Program policies in the Division of Social Services Manual (DSSM) regarding *Review/Determination*.

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 Sharon L. Summers, Policy, Program & Development Unit, Division of Social Services, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to (302) 255-4425 by April 30, 2010.

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 INSURANCE

PUBLIC NOTICE

INSURANCE COMMISSIONER KAREN WELDIN STEWART, CIR-ML hereby gives notice of intent to adopt Department of Insurance Regulation 505 relating to fiduciary fund requirements for insurance producers. The docket number for this proposed regulation is 1341.

The purpose of the proposed regulation 505 is to prescribe fiduciary fund requirements and exceptions for insurance producers. The text of the proposed amendment is reproduced in the April 2010 edition of the *Delaware Register of Regulations*. The text can also be viewed at the Delaware Insurance Commissioner's website at: <http://www.delawareinsurance.gov/departments/documents/ProposedRegs/ProposedRegs.shtml>.

The Department of Insurance does not plan to hold a public hearing on the proposed changes. Any person can file written comments, suggestions, briefs, compilations of data or other materials concerning the proposed amendments. Any written submission in response to this notice and relevant to the proposed changes must be received by the Department of Insurance no later than 4:00 p.m., Monday May 3, 2010, and should be addressed to Mitch Crane, Esquire, Delaware Department of Insurance, 841 Silver Lake Boulevard, Dover, DE 19904, or sent by fax to 302.736.7979 or email to mitch.crane@state.de.us.

DEPARTMENT OF LABOR

DIVISION OF INDUSTRIAL AFFAIRS

OFFICE OF WORKERS' COMPENSATION

1341 Workers' Compensation Regulations

PUBLIC NOTICE

The Secretary of Labor, in accordance with 19 **Del.C.** §§2322B, C, and F, has proposed revisions to the rules and regulations relating to the Delaware Workers' Compensation Health Care Payment System. These proposals revise sections of the Definitions; Fee Schedule Instructions and Guidelines; as well as revise the Artificial Lumbar Disc Replacement section of the Low Back Practice Guidelines.

A public meeting will be held before the Health Care Advisory Panel ("Panel") at 4:00 p.m. on May 3, 2010, in the Department of Labor Fox Valley Annex, 4425 N. Market Street, Wilmington, Delaware 19802, where members of the public can offer comments. Anyone wishing to receive a copy of the proposed rules may obtain a copy from Donna Forrest, Medical Component Manager, Office of Workers' Compensation, Division of Industrial Affairs, Department of Labor, 4425 N. Market Street, Wilmington, Delaware, 19802. Persons wishing to submit written comments may forward them to the Panel at the above address. The final date to receive written comments will be at the public meeting.

The Panel will consider making a recommendation to the Secretary at the regularly scheduled meeting following the public meeting.

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF AIR AND WASTE MANAGEMENT

REGISTER NOTICE:

Section 328(a)(1) of the Clean Air Act requires the EPA to establish requirements to control air pollution from outer continental shelf ("OCS") sources in order to attain and maintain Federal and State ambient air quality standards and to comply with the provisions of Part C of Title 1 of the Act. 40 CFR Part 55 **Outer Continental Shelf Air Regulations** establishes the air pollution control requirements for OCS sources and the procedures for implementation and enforcement of the requirements, consistent with the stated objectives of section 328(a)(1) of the Act.

Delaware is proposing to adopt a new regulation which will incorporate by reference the provisions of 40 CFR Part 55. 40 CFR Part 55 is currently implemented and enforced by the EPA, specifically incorporates many of

Delaware's existing air regulations, and makes those regulations applicable to OCS sources (i.e., generally within 25 miles of the State's seaward boundary). This adoption will enable the EPA to delegate to Delaware primary responsibility to implement and enforce these OCS requirements, as opposed to the EPA.

Statements and testimony may be presented either orally or in writing at a public hearing to be held on Wednesday, April 21, 2010 beginning at 6:00 PM in the DNREC's Priscilla Building Conference Room, 156 S. State Street, Dover, DE. Interested parties may submit comments in writing to: Mark A. Prettyman, DNREC Air Quality Management Section, 156 South State Street, Dover, DE 19901.

DIVISION OF FISH AND WILDLIFE

3700 Shellfish PUBLIC NOTICE

Oyster harvesting regulations need to be updated to clarify when oyster bags and cages are to be tagged. Additionally, a time frame for the retention of tags has been established; so that Enforcement may document the amount of oysters harvested and processed.

Individuals may present their comments or request additional information by contacting the Fisheries Section, Division of Fish and Wildlife, 89 Kings Highway, Dover DE 1990, (302 739 9914). A public hearing on this proposed amendment will be held on April 29, 2010 at 7:00 P.M. in the DNREC Auditorium, 89 Kings Highway, Dover, DE 19901. The record will remain open for written comments until 4:30 P. M. April 30, 2010.

DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

100 Delaware Gaming Control Board PUBLIC NOTICE

Pursuant 28 **Del.C.** §1122, the Delaware Gaming Control Board has proposed revisions to its rules and regulations.

A public hearing will be held on May 6, 2010 at 1:15 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 Delaware Gaming Control Board, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address. The final date to receive written comments will be at the public hearing.

The Board proposes amendments to Rule 3.1.1 and Rule 3.1.5 in 10 **DE Admin. Code** 103, which address requirements concerning members of charitable organizations. Currently, Rule 3.1.1 requires that a charitable organization designate a bona fide active member as the Member in Charge primarily responsible for each function. The proposed amendment would prohibit the Member in Charge from working for a third party vendor or performing any service during the function for a third party vendor. Rule 3.1.5 concerns the handling of funds at a function. The proposed amendment would state that any organization member handling the money at a function may not be employed by or assist a third party vendor in performing its duties.

The Board also proposes to add a new rule to 10 **DE Admin. Code** 104 to require that only members of the charitable organization may receive funds during a Texas Hold'Em Tournament.

DIVISION OF PROFESSIONAL REGULATION

1600 Commission On Adult Entertainment Establishments PUBLIC NOTICE

Pursuant to 24 **Del.C.** §1604, the Commission on Adult Entertainment Establishments has proposed revisions to its rules and regulations.

A public hearing will be held on April 25, 2010 at 2:00 p.m. in the second floor conference room 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 Commission on Adult Entertainment Establishments, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address. The final date to receive written comments will be at the public hearing.

The Commission has proposed to add a definition of "substantial portion" to the rules and regulations. This revision implements the recent amendment to the Commission's licensing law, Chapter 16 of Title 24 of the Delaware Code, with respect to adult oriented retail establishments.

The Board will consider promulgating the proposed rules and regulations at its regularly scheduled meeting following the public hearing.

13 DE Reg. 1359 (04/01/10)