

**DELAWARE DEPARTMENT OF AGRICULTURE**  
**POULTRY AND ANIMAL HEALTH SECTION**  
**906 Euthanasia of Animals in Shelters**  
**PUBLIC NOTICE**

Notice is hereby given that a public comment period for proposed **906 Euthanasia of Animals in Shelters Regulations** will open on April 1, 2013 and close on April 30, 2013. The purpose of the public comment period is to provide the public time to consider the proposed regulation; **906 Euthanasia of Animals in Shelters Regulations** and to make comment with regard to the adoption of said regulations. These proposed regulations have been developed pursuant to 3 Del.C. §8004. The proposed regulations govern the acceptable methods of euthanasia, as well as the standards for sanitation and ventilation of the euthanasia areas, for animals held animal shelters. These regulations were developed by the Poultry and Animal Health Section of the Delaware Department of Agriculture in consultation with the Delaware Board of Veterinary Medicine, Division of Professional Regulation.

The proposed regulations are posted on the Delaware Department of Agriculture website ([www.dda.delaware.gov](http://www.dda.delaware.gov)). Hard copies of the proposed regulations may be obtained from the Delaware Department of Agriculture. Comments may be submitted in writing and/or e-mail to Heather Hirst (Heather.Hirst@state.de.us) at the Delaware Department of Agriculture, on or before April 30, 2013. A public hearing on these regulations will NOT be held unless the Secretary of Agriculture receives a request within 30 days from this notice, or if the Secretary determines that a public hearing is in the public interest. A request for a hearing shall be in writing and shall state the nature of the issues to be raised at the hearing. It must show familiarity with the proposal and a reasoned statement of the proposed regulations impact. It is requested that written comments or requests for a hearing be addressed to:

Heather L. Hirst, Department of Agriculture  
2320 South DuPont Highway  
Dover, DE 19901  
Heather.Hirst@state.de.us

**DEPARTMENT OF EDUCATION**  
**PUBLIC NOTICE**

The State Board of Education will hold its monthly meeting on Thursday, April 18, 2013 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES**  
**DIVISION OF MEDICAID AND MEDICAL ASSISTANCE**  
**Medicaid Coverage for Prescribed Drugs**  
**PUBLIC NOTICE**

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) intends to submit a state plan amendment to the Centers for Medicare and Medicaid Services (CMS) *regarding discontinuation of Medicaid coverage of barbiturates and benzodiazepines for dual eligible recipients*. An additional amendment is proposed *to update the quantity limits for opioid analgesics*.

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, 2013.

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.

The proposed provides notice to the public that the Division of Medicaid and Medical Assistance (DMMA) intends to submit a Title XIX Medicaid State Plan Amendment (SPA) to conform with the mandatory provisions of section 175 of Medicare Improvement for Patients and Providers Act of 2008 (MIPPA) which amended section 1860D-2(e)(2)(A) of the Social Security Act regarding the discontinuation of Medicaid coverage of barbiturates and benzodiazepines for dual eligible recipients. An additional amendment is proposed to update the quantity limits for opioid analgesics.

**DIVISION OF PUBLIC HEALTH**  
**4408 Regulations Governing Medical Facilities**  
**PUBLIC NOTICE**

House Bill 47 and House Bill 144, signed into law in 2011, give the Department of Health and Social Services (DHSS) the authority to require accreditation for medical facilities that perform invasive medical procedures utilizing any level of anesthesia and allows for the Division to investigate complaints made by patients regarding unsafe or unsanitary conditions. It also gives DHSS the authority to promulgate regulations. The Office of Health Facilities Licensing and Certification, Health Systems Protection Section, Division of Public Health, Department of Health and Social Services, is proposing regulations for medical facilities. On April 1, 2013, DHSS plans to publish as proposed regulations governing medical facilities and hold them out for public comment per Delaware law.

Copies of the proposed regulations are available for review in the April 1, 2013 edition of the Delaware *Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Office of Health Facilities Licensing and Certification at (302) 283-7220.

Any person who wishes to make written suggestions, testimony, briefs or other written materials concerning the proposed regulations must submit same to Deborah Harvey by Tuesday, April 30, 2013 at:

Deborah Harvey  
Division of Public Health  
417 Federal Street  
Dover, DE 19901  
Email: [Deborah.Harvey@state.de.us](mailto:Deborah.Harvey@state.de.us)  
Phone: (302) 744-4913

**DIVISION OF SOCIAL SERVICES**  
**Child Care Subsidy Program Definitions and Explanation of Terms**  
**PUBLIC NOTICE**

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 Child Care Subsidy Program, specifically, *Definitions and Explanation of Terms*.

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, 2013.

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 NATURAL RESOURCES AND ENVIRONMENTAL CONTROL**  
**DIVISION OF AIR QUALITY**  
**1108 Sulfur Dioxide Emissions From Fuel Burning Equipment**  
**PUBLIC NOTICE**

The Division of Air Quality (DAQ) of the Department is proposing to revise Delaware 7 **DE Admin. Code** 1108 to lower the allowable content of sulfur in fuels combusted in Delaware, and to effectively reduce the emissions of sulfur dioxide (SO<sub>2</sub>) into the atmosphere, which will aid in the attainment and maintenance of Delaware's air quality relative to the SO<sub>2</sub> and fine particulate matter National Ambient Air Quality Standards (NAAQS). The reduction will also reduce acid rain, and will aid in reaching visibility goals of the federal regional haze program.

In brief, DAQ proposes to lower sulfur content in residual fuel from 10,000 ppm to 5,000 ppm, in distillate fuel from 3,000 ppm to 15 ppm, and to set up a compliance date of July 1, 2016. DAQ also proposes to add necessary recordkeeping and reporting requirements to ensure compliance of the regulation. DAQ proposes that the new limits apply to all three counties in Delaware.

In addition, the Department will submit the revision of 7 **DE Admin Code** 1108, after being finalized, to the U.S. Environmental Protection Agency (EPA) as a revision to Delaware's state implementation plan (SIP).

A public hearing will be held on April 24, 2013, beginning at 6:00 pm, in the conference room (Room 220) of Kent County Complex, 555 South Bay Road, Dover, Delaware 19901.

**7. PREPARED BY:**

Frank F. Gao      Phone: (302) 323-4542      Date: March 13, 2013      E-Mail: Frank.Gao@state.de.us

**DIVISION OF AIR QUALITY**

**State Implementation Plan Revision to Address the Clean Air Act Section 110 Infrastructure Elements for the 2010 Sulfur Dioxide NAAQS  
REGISTER NOTICE**

On June 2, 2010, the United States Environmental Protection Agency (EPA) strengthened the National Ambient Air Quality Standards (NAAQS) for the pollutant sulfur dioxide (SO<sub>2</sub>), by adding a new standard of 75 parts per billion. Section 110(a)(1) of the CAA requires States to submit to the EPA a State Implementation Plan (SIP) that provides for implementation, maintenance, and enforcement of a newly promulgated or revised NAAQS. Section 110(a)(2) lists the elements that are to comprise the implementation plan, which include basic program elements such as enforceable emission limitations and control measures, air quality monitoring and modeling, a permitting program, adequate funding and personnel, authority under state law to carry out the plan, emissions reporting, emergency powers, public participation, and fee collection. Because there have been NAAQS in existence for many years that cover the pollutant SO<sub>2</sub>, the CAA 110 requirements are already substantially addressed in Delaware's SIP. The proposed SIP document discusses how Delaware's SIP meets each requirement of Section 110(a)(2)(A)-(M) of the CAA for the 2010 SO<sub>2</sub> NAAQS.

Interested parties may submit comments in writing to Jack Sipple, Division of Air Quality, Blue Hen Corporate Center, 655 S. Bay Road, Suite 5N, Dover, DE 19901, and/or statements and testimony may be presented either orally or in writing at the public hearing to be held on Wednesday, April 24, 2013, beginning at 6:00 p.m. in the conference room of the Kent County Building, 555 South Bay Road, Room 220. Dover, Delaware 19901.

**DIVISION OF WATERSHED STEWARDSHIP  
5101 Sediment and Stormwater Regulations  
PUBLIC NOTICE**

Substantial revisions to the *Delaware Sediment and Stormwater Regulations* are proposed to address April 2005 recommendations of Governor Minner's Task Force on Surface Water Management. The regulations have been revised to address stormwater volume management, conveyance adequacy, operation and maintenance of stormwater management facilities, and to establish performance standards for sediment and stormwater practices. A public hearing was conducted on March 1, 2012. Following comments received, substantive changes are proposed to the regulatory language necessitating a second public hearing.

Upon the effective date of revised regulations, the *Regulations Governing the Pollution Control Strategy for the Indian River, Indian River Bay, Rehoboth Bay, and Little Assawoman Bay Watersheds*, effective November 11, 2008, Section 5.0 Sediment and Stormwater Controls, may be affected.

The Department of Natural Resources and Environmental Control (DNREC) Division of Watershed Stewardship will conduct a second public hearing on the proposed revisions to the *Delaware Sediment and Stormwater Regulations Regulation No. 5101 Sediment and Stormwater Regulations*, to address the April 2005 recommendations of Governor Minner's Task Force on Surface Water Management, as well as substantive changes to regulatory language following the first public hearing.

The public hearing on this proposed revision of **Regulation No. 5101 Sediment and Stormwater Regulations** will be held Tuesday, April 23, 2013, at 6:00 p.m. in the DNREC Auditorium, Richardson and Robbins Building, 89 Kings Highway, Dover, DE 19901.

The proposed regulation revisions may be inspected at the following locations:

Department of Natural Resources and Environmental Control  
89 Kings Highway  
Dover, DE 19901

Kirkwood Library  
6000 Kirkwood Highway  
Wilmington DE 19808

Kent County Public Library  
497 South Red Haven Lane  
Dover, DE 19901

Georgetown Public Library  
123 West Pine Street,  
Georgetown, DE 19947

The proposed regulation revisions may be inspected on the DNREC Division of Watershed Stewardship's Sediment and Stormwater Program website: <http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx>

For additional information or any appointments to inspect the proposed regulation revisions at DNREC, please contact Elaine Webb, DNREC Sediment and Stormwater Program, 89 Kings Highway, Dover, DE 19901, (302) 739-9921, [Elaine.Webb@state.de.us](mailto:Elaine.Webb@state.de.us). Review of the documents at the libraries will occur during the libraries' scheduled operating hours.

Interested parties shall submit comments in writing on the proposed regulation revisions by the end of the comment period, May 8, 2013, to Elaine Webb and/or statements and testimony may be presented either orally or in writing at the April 23, 2013 public hearing. Comments submitted as part of the first public comment period will remain as part of the record.

It is requested that those interested in presenting statements at the public hearing register in advance and that written statements and comments be addressed to:

Elaine Webb  
DNREC – Sediment and Stormwater Program  
89 Kings Highway  
Dover, DE 19901

**DEPARTMENT OF STATE**  
**DIVISION OF PROFESSIONAL REGULATION**  
**1100 Board of Dentistry and Dental Hygiene**  
**PUBLIC NOTICE**

The Delaware Board of Dentistry and Dental Hygiene, pursuant to 24 **Del.C.** §1106(a)(1), proposes to revise its rules and regulations. The changes to the regulations remove the permissive grant of CPEs for being employed as a faculty member and clarifies the documentation required by a licensee submitting CPEs for oral or clinical presentations and self-study.

The Board will hold a public hearing on the proposed rule change on March 21, 2013 at 3:00 PM, Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Pamela Zickafoose, Administrator of the Delaware Board of Dentistry and Dental Hygiene, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Pursuant to 29 **Del.C.** §10118(a), written comments will be accepted for fifteen days after the public hearing, until April 5, 2013.

**DIVISION OF PROFESSIONAL REGULATION**  
**1900 Board of Nursing**  
**PUBLIC NOTICE**

The Delaware Board of Nursing, pursuant to 24 **Del.C.** §1904(c), proposes to revise regulation 6.4 to add a new section, 6.4.6. The proposed addition permits graduates of out-of-state programs that may not have attained Board approved status to obtain licensure by examination if, at the time of submission of the application, the Board finds that the content of the out-of-state program is equivalent to the minimum requirements of the Board for full approval status established by these regulations. There is also an addition to the title of Regulation 6.4, reflecting this addition.

The Board will hold a public hearing on the proposed regulation change on May 8, 2013 at 1:00 p.m., Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Dr. Pamela Zickafoose, Executive Director of the Delaware Board of Nursing, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until May 24, 2013 pursuant to 29 **Del.C.** §10118(a).

**DIVISION OF PROFESSIONAL REGULATION**

**2500 Board of Pharmacy  
PUBLIC NOTICE**

Pursuant to 24 **Del.C.** §2506(a)(1), the Delaware Board of Pharmacy has proposed revisions to its rules and regulations. The definition of "compounding" is revised to specify that reconstitution of oral solutions is not considered compounding. Rules 6.4 and 11.2.8, pertaining to "Customized Patient Medication Packages" are amended. In particular, Rule 6.4 states that such packaging of controlled substances is prohibited. Rule 14.0, pertaining to the administration of injectable medications, is amended to encompass registered interns and pharmacy students, with the requirement that registered interns and pharmacy students must be directly supervised by a licensed pharmacist who is approved for injectable administration. Registered interns and pharmacy students shall also be required to complete continuing education in this area of practice. Rule 14.0 is also revised for greater clarity.

A public hearing will be held on May 15, 2013 at 10:00 a.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware, where members of the public can offer comments on the amendments to the rules and regulations. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Pharmacy, 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 May 30, 2013 which is 15 days following the public hearing. The Board will deliberate on all of the public comment at its regularly scheduled meeting on June 19, 2013 at 10:00 a.m., at which time it will determine whether to adopt the rules and regulations as proposed or make additional changes due to the public comment.

**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 Board seeks to correct a typographical error in regulation 5.2.1.3. The Board also seeks to amend regulation 7.2 to clarify the group supervision requirements for postdoctoral applicants. The Board proposes to add a new regulation number 10.1.4 defining a continuing education hour. The Board proposes to amend regulation 10.6.4 to clarify the process by which teaching a workshop may be used for qualifying continuing education. The Board seeks to create a new regulations number 18, addressing the practice of telepsychology by licensees.

The Board will hold a public hearing on the proposed rule change on May 6, 2013 at 10:00 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 Examiners of Psychologists, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until May 21, 2013.

**OFFICE OF THE STATE BANK COMMISSIONER  
2301 Report of Delaware Sale of Checks, Drafts and Money Orders Volume  
2303 Report of Delaware Volume  
2701 Licensed Cashier of Checks, Drafts, or Money Orders Operating Regulations  
2702 Licensed Cashier of Checks, Drafts, or Money Orders Posting of the Fee Schedule and Minimum  
Requirements for Content of Books and Records  
PUBLIC NOTICE**

The State Bank Commissioner proposes to amend Regulation 2301 and adopt new Regulation 2303 governing Sale of Checks and Transmission of Money, and to amend Regulations 2701 and 2702 governing Cashing of Checks, Drafts or Money Orders. The purpose of the amended and new regulations is to clarify, streamline, and update the existing regulations for ease of understanding and increased relevance to current licensee operations. Other regulations issued by the State Bank Commissioner are not affected by this proposal. The State Bank Commissioner is issuing these proposed regulations in accordance with Title 5 of the Delaware Code. This notice is issued pursuant to the requirements of Subchapter III of Chapter 11 and Chapter 101 of Title 29 of the Delaware Code.

A copy of the proposed regulations is being published in the April 1, 2013 edition of the Delaware *Register of Regulations*. A copy is also on file in the Office of the State Bank Commissioner, 555 E. Loockerman Street, Suite 210, 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 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 these proposed regulations should be adopted, rejected or modified. Pursuant to 29 **Del.C.** §10118(a), public comments must be received on or before May 1, 2013, Written materials submitted will be available for inspection at the above address.

On or after May 1, 2013, following review of the public comment, the State Bank Commissioner will determine whether to adopt the proposed amended and new Regulations 2301, 2303, 2701, and 2702 or make additional changes because of

the public comments received.

**DEPARTMENT OF TRANSPORTATION**  
**DIVISION OF TRANSPORTATION SOLUTIONS**  
**PUBLIC NOTICE**  
**2401 Utilities Manual Regulations**

Under Title 17 of the Delaware Code, Sections 132 and 143, the Delaware Department of Transportation (DelDOT), is updating the Delaware Department of Transportation Utility Manual.

The Department will take written comments on the draft changes to the Delaware Department Transportation Utility Manual from April 1, 2012 through April 30, 2013. Copies of the Draft Delaware Department Transportation Utility Manual can be obtained by reviewing or downloading a PDF copy at the following web address: <http://regulations.delaware.gov/>

Questions or comments regarding these proposed changes should be directed to: Joseph Hofstee, P.E., Utility Engineer, Utilities Section, Division of Transportation Solutions, Delaware Department of Transportation P.O. Box 778 800 Bay Road, Dover DE 19903 (302) 760-2358 (telephone) (302) 739-8282 (fax) [joseph.hofstee@state.de.us](mailto:joseph.hofstee@state.de.us)

**STATE BOARD OF PENSION TRUSTEES**  
**THE DELAWARE PUBLIC EMPLOYEES' RETIREMENT SYSTEM**  
**2002 State Employees' Pension Plan**  
**2003 State Judiciary Pension Plan**  
**2004 State Police Pension Plan**  
**2005 County and Municipal Employees' Pension Plan**  
**2006 County and Municipal/Firefighter Pension Plan**  
**PUBLIC NOTICE**

The Delaware Public Employees Pension System ("DPERS") hereby give notice of its intention to adopt amended regulations pursuant to the General Assembly's delegation of authority to adopt such measures found at 29 **Del.C.** §8308(c)(1) and in compliance with Delaware's Administrative Procedures Act, 29 **Del.C.** §§10115 and 10117. The proposed regulations delete obsolete language, bring the regulations into compliance with changes in Federal Law, and clarify the definitions of casual/seasonal, regular part-time, substitute, and temporary employee. Identical update and formatting changes are made in each set of regulations. A chart outlining the nature of each change made to each section within each set of regulations follows each set of proposed regulations.

DPERS 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 days (30) after these proposed amended regulations are published in the Delaware *Register of Regulations*.

Any such submissions should be mailed or delivered to David Craik, State of Delaware Office of Pensions, State of Delaware, Office of Pensions, McArdle Building, 860 Silver Lake Blvd., Suite #1, Dover, DE 19904-2402 by May 15, 2013.

A Public Hearing will be conducted on May 31, 2013 at the offices of Delaware Office of Pensions, State of Delaware McArdle Building, 860 Silver Lake Blvd., Suite #1, Dover, DE 19904.

**16 DE Reg. 1099 (04/01/13)**