

## DEPARTMENT OF AGRICULTURE

### HARNESS RACING COMMISSION

#### PUBLIC NOTICE

#### 501 Harness Racing Rules and Regulations

The Delaware Harness Racing Commission (DHRC) pursuant to 3 Del.C. §10005, proposes to amend its rules and regulations. The proposed regulation changes address needed amendments to the Qualifying Days Rule, reference 7.1.3.3.2 and 7.1.3.3.3.

On March 3, 2016, the DHRC Rules Committee approved rule amendments related to qualifying days and voted to send the proposed rule change to the full Commission for review. After discussion and public input, the DHRC voted to approve this rule amendment on March 10, 2016 at its regular, monthly meeting. Subsequent to a 30-day comment period from April 1 to May 9, 2016 and noticed in the *Register of Regulations*, the DHRC will finalize the regulations on May 10, 2016 during its regularly scheduled monthly meeting. The DHRC monthly meetings are public and noticed on the state meeting notice website. Those meetings are held at the Delaware Department of Agriculture, 2320 South DuPont Highway Dover, DE at 10:00 am. Written comments must be received by COB May 9, 2016. Those comments should be sent to the same address listed above for meeting location, attention Mr. Mark Davis.

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## DEPARTMENT OF EDUCATION

#### PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, April 21, 2016 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

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## DEPARTMENT OF HEALTH AND SOCIAL SERVICES

### DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

#### PUBLIC NOTICE

#### Prescription Drug Supplemental Rebate Agreement

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 proposed to amend the Title XIX Medicaid State Plan regarding the State's Prescription Drug Supplemental Rebate Agreement, specifically, *to amend Delaware's supplemental drug rebate agreement and place Delaware in "The Sovereign State Drug Consortium (SSDC)" Medicaid multi-state purchasing pool.*

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 or by fax to 302-255-4425 by May 2, 2016. Please identify in the subject line: Prescription Drug Supplemental Rebate Agreement.

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

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### DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

#### PUBLIC NOTICE

#### Long-Term Care Facility Services - Standards for Payment of Reserved Beds During Absence from Long-Term Care Facilities

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 Title XIX Medicaid State Plan and the Division of Social Services Manual (DSSM) regarding Standards for Payment of Reserved Beds during Absence from Long-Term Care Facilities, specifically, *standards for payment of reserved beds during absence from Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID).*

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 Kimberly Xavier, Planning, Policy and Quality 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 May 2, 2016.

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

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## **DIVISION OF MEDICAID AND MEDICAL ASSISTANCE**

### **PUBLIC NOTICE**

#### **Long-Term Care Facilities - Post-Eligibility Treatment of Institutionalized Individuals Personal Needs Allowance**

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 Title XIX Medicaid State Plan and the Division of Social Services Manual (DSSM) regarding Post-Eligibility Treatment of Institutionalized Individuals, specifically, *standards for payment of personal needs allowance for individuals residing in long-term care facilities*.

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 Kimberly Xavier, Planning, Policy and Quality 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 May 2, 2016.

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

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## **DIVISION OF MEDICAID AND MEDICAL ASSISTANCE**

### **PUBLIC NOTICE**

#### **Medical Care and Other Types of Remedial Care - Services to Treat Autism Spectrum Disorder**

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 Title XIX Medicaid State Plan regarding Medical Care and Other Types of Remedial Care, specifically, *to establish coverage and reimbursement for treatment services for Medicaid recipients up to age twenty-one (21) years of age who have a diagnosis of Autism Spectrum Disorder*.

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 Kimberly Xavier, 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 May 2, 2016. Please identify in the subject line: Service to Treat Autism Spectrum Disorder.

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

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## **DIVISION OF PUBLIC HEALTH**

### **PUBLIC NOTICE**

#### **4468 Delivery of Hospice Services**

Health Systems Protection Section (HSP), Division of Public Health, Department of Health and Social Services, is proposing revisions to the regulations governing Delivery of Hospice Services (4468). Amendments are being made to update the requirements to ensure patients receive safe and quality care. New requirements related to dementia care, new employees and other aspects of the regulations are being revised to help improve the services available to Delawareans. On April 1, 2016, HSP plans to publish as proposed the amended regulations, and hold them out for public comment per Delaware law.

A public hearing will be held on Thursday, April 28, 2016, at 9:30 a.m. in the First 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, 2016, edition of the Delaware *Register of*

Regulations, accessible online at: <http://regulations.delaware.gov> or by calling the Division of Public Health at (302) 744-4951.

Any person who wishes to make written suggestions, testimony, briefs or other written materials concerning the proposed regulations must submit same to Jamie Mack by Friday, May 13, 2016, at:

Jamie Mack  
Division of Public Health  
417 Federal Street  
Dover, DE 19901  
Email: [jamie.mack@state.de.us](mailto:jamie.mack@state.de.us)  
Phone: (302) 744-4951

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## DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

### DIVISION OF FISH AND WILDLIFE

#### PUBLIC NOTICE

#### 3774 Oyster Minimum Size Limits

Delaware's Advisory Council on Shellfisheries requested the Department consider action to allow Delaware's oyster harvesters to possess *de minimis* quantities of undersized (<2.75") oysters that are inherent to the harvesting process.

Oysters typically grow in complex and densely packed reefs on Delaware's natural oyster grounds. When harvested, the oysters are brought aboard dredge vessels in asymmetrical clumps comprised of shell, varying sized oysters and other organisms that are not easily separable. Market oysters (>2.75" minimum size limit) are singled and culled from the dredged material prior to landing, but some undersized (<2.75") oysters can inadvertently remain attached to the market oysters. Some shell breakage can also occur during the bagging and handling process, rendering a market oyster illegal. Furthermore, the incidental retention of spat or small oysters (<1") attached to market oysters is practically unavoidable, particularly in years of high juvenile recruitment.

The proposed action would allow up to five percent (by number) undersized oysters per landed bushel. Attached spat or attached oysters measuring less than one inch that cannot be removed from a market oyster without destroying either oyster could be retained and would not count toward the five percent allowance.

The proposed amendment is unlikely to increase costs or place additional burdens on the affected public. The proposed amendment provides a reasonable accommodation to harvesters and establishes objective and enforceable criteria. Similar allowances are in place for conch (whelk), blue crab, and hard clam. The proposed amendment is not expected to have detectable impacts to Delaware's oyster resource.

The hearing record on the proposed changes to 7 **DE Admin. Code** 3774 Oyster Minimum Size Limit will be open April 1, 2016. Individuals may submit written comments regarding the proposed changes via e-mail to [Lisa.Vest@state.de.us](mailto:Lisa.Vest@state.de.us) or via the USPS to Lisa Vest, Hearing Officer, DNREC, 89 Kings Highway, Dover, DE 19901 (302) 739-9042. A public hearing on the proposed amendment will be held on April 21, 2016 beginning at 6:00 PM in the DNREC Auditorium, located at the Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901.

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## DIVISION OF WASTE AND HAZARDOUS SUBSTANCES

#### PUBLIC NOTICE

#### 1301 Regulations Governing Solid Waste

Delaware's Department of Natural Resources and Environmental Control (DNREC), Solid and Hazardous Waste Management Section (SHWMS) is proposing amendments to current scrap tire facility regulations to address missing operational requirements and to reduce compliance and financial burdens posed by current regulations. The proposed amendments will reduce compliance requirements and financial burdens for scrap tire facilities storing scrap tires in fully enclosed trailers.

The public hearing on the proposed amendments to DRGSW will be held on April 25, 2016 at 6:00 p.m. in the Richardson and Robbins Auditorium, 89 Kings Highway, Dover, DE. The hearing record on the proposed modifications will be open April 1, 2016. Interested parties shall submit comments in writing by the end of the comment period, as designated by the hearing officer at this hearing and/or statements and testimony may be presented either orally or in writing at the April 25, 2016 public hearing. Written comments should be sent to: [lisa.vest@state.de.us](mailto:lisa.vest@state.de.us) or Lisa Vest, Hearing Officer, DNREC, 89 Kings Highway, Dover, DE 19901.

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# DEPARTMENT OF SAFETY AND HOMELAND SECURITY

## DIVISION OF STATE POLICE 5500 BAIL ENFORCEMENT AGENTS PUBLIC NOTICE

Notice is hereby given that the Board of Examiners of Bail Enforcement Agents, in accordance with 24 **Del.C.** Ch. 55 proposes to adopt/amend the Rules & Regulations. These adoptions/amendments will improve the safety of the public and the bail enforcement agents and professionalize the industry. If you wish to view the complete Rules & Regulations, contact Ms. Peggy Anderson at (302) 672-5304. Any persons wishing to present views may submit them in writing, by May 2, 2016, to Delaware State Police, Professional Licensing Section, P.O. Box 430, Dover, DE 19903. The Board will hold its quarterly meeting Thursday, May 26, 2016, 10:00am, at the Tatnall Building, 150 Martin L. King, Jr. Boulevard South, Room 112, Dover, Delaware.

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## DEPARTMENT OF STATE DIVISION OF PROFESSIONAL REGULATION 1000 BOARD OF PILOT COMMISSIONERS PUBLIC NOTICE

The Delaware Board of Pilot Commissioners, pursuant to 23 **Del.C.** §102(1), proposes to revise subsection 5.5 by making additions as shown in underline and deletions as shown in strike-through. The changes are necessary to put all regulated licensees on notice of the specific required refresher trips for pilots not practicing their profession for any given number of days.

The Board will hold a public hearing on the proposed regulation change on May 20, 2016 at 1:00 p.m., Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Melanie Alexander, Board Liaison for the Delaware Board of Pilot Commissioners, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until June 6, 2016 pursuant to 29 **Del.C.** §10118(a).

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## DIVISION OF PROFESSIONAL REGULATION 1770 RESPIRATORY CARE PRACTICE ADVISORY COUNCIL PUBLIC NOTICE

Pursuant to 24 **Del.C.** §1775(c), the Respiratory Care Practice Advisory Council ("the Council") of the Board of Medical Licensure and Discipline has proposed revisions to its regulations. Section 8.0, setting forth the Council's continuing education requirements, is revised for greater clarity for licensees. A new Section 11.0 is added to implement standards for the practice of respiratory care through telehealth. Finally, certain revisions address inconsistencies in the regulations.

A public hearing will be held on May 11, 2016 at 3:00 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 Respiratory Care Practice Advisory Council, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Council at the above address. Pursuant to 29 **Del.C.** §10118(a), the final date to receive written comments will be May 26, 2016. The Council will deliberate on the proposed revisions at its next regularly scheduled meeting.

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## DIVISION OF PROFESSIONAL REGULATION 2100 BOARD OF EXAMINERS IN OPTOMETRY PUBLIC NOTICE

The Delaware Board of Examiners in Optometry, pursuant to 24 **Del.C.** §2104(a)(1), proposes to revise its regulations. The proposed regulatory overhaul seeks to clarify and provide more detailed information regarding the use of telehealth for the provision of optometry services.

The Board will hold a public hearing on the proposed rule change on April 28, 2016 at 4:30 p.m., in the Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Lisa Smith, Administrator of the Delaware Board of Examiners in Optometry, Cannon Building, 861 Silver Lake Blvd, Dover, DE 19904.

