

**DEPARTMENT OF EDUCATION
PUBLIC NOTICE**

The State Board of Education will hold its monthly meeting on Thursday, August 21, 2014 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
Nursing Facility Services– Preadmission Screening and Resident Review**

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 and with 42 CFR §447.205, Delaware Health and Social Services (DHSS) / Division of Medicaid and Medical Assistance (DMMA) is proposing to amend the Title XIX Medicaid State Plan regarding administration of the Medicaid Preadmission Screening and Resident Review (PASRR), specifically, *Categorical Determinations and Specialized Services*.

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 September 2, 2014.

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

**DIVISION OF MEDICAID AND MEDICAL ASSISTANCE
PUBLIC NOTICE
Standards for the Coverage of Organ Transplant Services**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code), with 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) intends to submit a state plan amendment regarding Organ Transplants, specifically, *standards for the coverage of organ and tissue transplant services*.

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 September 2, 2014.

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
4407 Hospital Standards (Construction, Maintenance, and Operation)**

The Office of Health Facilities Licensing and Certification, Health Systems Protection Section, Division of Public Health, Department of Health and Social Services, has proposed amendments to the State of Delaware 4407 Hospital Standards (Construction, Maintenance, and Operation) regulation.

House Bill 129 ("Christina's Law"), signed by the Governor on June 10, 2014, requires the Department of Health and Social Services to adopt regulations to ensure that hospital staff have ready access to a locked hospital bathroom in the event of an emergency. The proposed amendment adds to the existing regulation a section 4.4 "Hospitals must develop and implement policies and procedures for hospital staff to have ready access to a locked hospital bathroom in the event of an emergency."

On August 1, 2014, the Department plans to publish proposed amendments to the 4407 Hospital Standards (Construction, Maintenance, and Operation) regulation and hold them out for public comment per Delaware law. Copies of the proposed regulation are available for review in the August 1, 2014 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 regulation must submit same to Deborah Harvey by 4:30 p.m. on Tuesday, September 2, 2014 at:

Deborah Harvey
Division of Public Health
417 Federal Street
Dover, DE 19901

Email: Deborah.Harvey@state.de.us Phone: (302) 744-4700

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
Division of Air Quality
PUBLIC NOTICE
1124 Control of Volatile Organic Compound Emissions

Delaware's ambient air quality does not meet the health based air quality standard for the pollutant ground-level ozone. Because gasoline vapors contribute to the formation of ground-level ozone, and because gasoline vapors include hazardous air pollutants, Delaware has implemented, since 1993, Section 36 to control gasoline vapor emissions from gasoline tanks and motor vehicles at gasoline dispensing facilities (GDFs). In addition, since 1998, automobile manufacturers have been required by the federal clean air act (CAA) to install on-board refueling vapor recovery (ORVR) systems on new vehicles.

The CAA allows Delaware to phase-out Stage II vapor recovery requirements, provided overall emissions do not increase in the absence of Stage II vapor recovery requirements. The ORVR system is effective for controlling gasoline vapor emissions from the fueling of ORVR equipped vehicles. When refueling ORVR equipped vehicles, however, fresh air is ingested into the GDF gasoline storage tanks, which leads to vapor growth in the gasoline tanks and vapor emissions from those tanks through leaks and pressure relief valves.

The DAQ is proposing to revise Section 36 to require any new GDF to 1) not install a Stage II vapor recovery system, 2) demonstrate compliance with an allowable leak rate using a continuous pressure monitoring (CPM) system, and 3) when cost effective and necessary, install a pressure management system to reduce the uncontrolled venting of emissions. The DAQ is also proposing to allow any existing GDF, at its option, to decommission its Stage II system and comply with the same requirements applicable to new GDFs.

If finalized the Department proposes to submit this revision 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 August 28, 2014, beginning at 6:00 pm, in DNREC Auditorium, 89 Kings Highway, Dover, DE 19901.

DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES
DIVISION OF FAMILY SERVICES
OFFICE OF CHILD CARE LICENSING
PUBLIC NOTICE
105 Residential Child Care Facilities and Day Treatment Programs

The Office of Child Care Licensing (OCCL) proposes to amend the DELACARE: Requirements for Residential Child Care Facilities and Day Treatment Programs in response to public comments received after the publication of revised regulations in the June 2013, August 2013, January 2014, and May 2014 *Register of Regulations*.

Because of revisions made based on public comments recently received and internal review, the revised draft is again offered for another period of public comment. Interested parties wishing to offer comments on the proposed regulations or submit written suggestions, data, briefs, or other materials concerning the proposed regulations must submit same to Elizabeth Timm, Office of Child Care Licensing, 1825 Faulkland Road, Wilmington, Delaware 19805 or by fax to 302-633-5112 by the close of business on September 2, 2014.

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

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
PUBLIC NOTICE

500 Board of Podiatry

The Delaware Board of Podiatry, pursuant to 24 **Del.C.** §506(a)(1), proposes to revise its regulations. The proposed amendments to the regulations seek to bring the regulations into conformity with operational procedures at the Division of Professional Regulation regarding license renewal, inactive status and continuing education attestation.

The Board will hold a public hearing on the proposed rule change on September 16, 2014 at 5:00 p.m., in the Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Meaghan Jerman, Administrator of the Delaware Board of Podiatry, Cannon Building, 861 Silver Lake Blvd, Dover, DE 19904.

DIVISION OF PROFESSIONAL REGULATION PUBLIC NOTICE

1800 Board of Plumbing, Heating, Ventilation, Air Conditioning and Refrigeration Examiners

Pursuant to 24 **Del.C.** §1806(a)(2), the Delaware Board of Plumbing, Heating, Ventilation, Air Conditioning and Refrigeration Examiners has proposed revisions to its rules and regulations. The rules are amended to provide a continuing education requirement.

At its public hearing held on July 8, 2014 at 8:30 a.m. the Board voted to continue the public hearing on the proposed Regulation amendment at its September 9, 2014 regularly scheduled meeting. Accordingly, a public meeting will be held on September 9, 2014 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 Plumbing, Heating, Ventilation, Air Conditioning and Refrigeration Examiners, 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 September 24, 2014 which is 15 days following the public hearing.

DIVISION OF PROFESSIONAL REGULATION PUBLIC NOTICE

2700 Board of Registration for Professional Land Surveyors

The Delaware Board of Professional Land Surveyors, in accordance with 24 **Del.C.** §2706(a)(1), has proposed revisions to its rules and regulations. The proposed revisions to the Rules and Regulations are intended to allow professional development hours to be obtained by active duty military. The Board will hold a public hearing on the proposed rule changes on September 18, 2014 at 8:30 a.m., Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Amanda McAtee, Administrator of the Delaware Board of Professional Land Surveyors, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904.

DIVISION OF PROFESSIONAL REGULATION PUBLIC NOTICE

5200 Board of Examiners of Nursing Home Administrators

The Delaware Board of Examiners of Nursing Home Administrators, pursuant to 24 **Del.C.** §5206(1), proposes to revise its regulations. The proposed revisions to the regulations would mandate that AIT registrants take additional training in preparation for the National Association of Long Term Care Administrator Boards and the practice of nursing home administration. The Board has always strongly recommended that applicants take the course and now recommends that the course become mandatory pursuant to 24 **Del.C.** §5209(a)(1).

The Board originally scheduled a public hearing on the proposed rule change for July 8, 2014 at 1:00 p.m., in the Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. That meeting was cancelled due to lack of a quorum. As a result the public hearing has been rescheduled for September 8, 2014 at 1 p.m., in the Second Floor Conference Room B, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Sheryl Paquette, Administrator of the Delaware Board of Nursing Home Administrators, Cannon Building, 861 Silver Lake Blvd, Suite 203, Dover, DE 19904.

18 DE Reg. 166 (08/01/14)