

DELAWARE RIVER BASIN COMMISSION

The Delaware River Basin Commission will hold a public hearing and business meeting on Thursday, December 8, 2011 beginning at 10:30 a.m. The meeting will be held at the West Trenton Volunteer Fire Company, West Upper Ferry Road, West Trenton, NJ. For more information, visit the DRBC web site at www.drbc.net or contact Pamela M. Bush, Esq., Commission Secretary and Assistant General Counsel, at 609 883-9500 extension 203.

DEPARTMENT OF EDUCATION PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, December 15, 2011 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 Reimbursement Methodology for Certain Medicaid Services

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 the reimbursement methodology for certain Medicaid 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 December 31, 2011.

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 4202 Control of Communicable and Other Disease Conditions

The Health Promotion and Disease Prevention Section, Department of Health and Social Services, is proposing revisions to the State of Delaware Regulations for the Control of Communicable and Other Disease Conditions related to the Reporting of Hospital Acquired Infections (HAIs). The purpose of the amendments is to update the Hospital Acquired Infections regulations to clarify that HAIs required to be reported to the Department of Health and Social Services shall consist of the same HAIs required to be reported to the Centers for Medicare and Medicaid Services (CMS). This will increase the number of reportable conditions to the Division of Public Health without placing additional burden on the hospitals. It also coordinates reporting requirements between the state and CMS. On December 1, 2011, the Division plans to publish as proposed the amended regulations and hold them out for public comment per Delaware law.

Copies of the proposed regulations are available for review in the December 1, 2011 edition of the Delaware Register of Regulations, accessible online at: <http://regulations.delaware.gov> or by calling the Health Promotion and Disease Prevention Section at (302) 744-1000.

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 Friday, December 30, 2011 at:

Deborah Harvey
Division of Public Health
417 Federal Street
Dover, DE 19901
Email: Deborah.Harvey@state.de.us
Phone: (302) 744-4700
Fax: (302) 739-6659

DEPARTMENT OF INSURANCE
1314 Health Premium Consumer Comparison
PUBLIC NOTICE

INSURANCE COMMISSIONER KAREN WELDIN STEWART hereby gives notice of proposed Department of Insurance Regulation 1314 relating to Health Premium Consumer Comparisons. The docket number for this proposed regulation is 1530.

The proposed regulation would require health insurance companies to provide survey data to the Department of Insurance for the purposes of allowing consumers of health insurance the opportunity to compare rates from different companies. The survey data would have to be filed with the Department on an annual basis. The regulation would also require the insurers to provide direct email responses to the consumer. The Delaware Code authority for the change is **18 Del.C. §§311 and 2501 et seq.**

The Department of Insurance does not plan to hold a public hearing on the proposed regulation. The proposed regulation appears below and can also be viewed at the Delaware Insurance Commissioner's website at www.delawareinsurance.gov/departments/documents/ProposedRegs/ProposedRegs.shtml.

Any person can file written comments, suggestions, briefs, and compilations of data or other materials concerning the proposed amendment. Any written submission in response to this notice and relevant to the proposed regulation must be received by the Department of Insurance no later than 4:30 p.m. EST, Friday, December 30, 2011. Any such requests should be directed to:

Regulatory Specialist Rhonda West
Delaware Department of Insurance
841 Silver Lake Boulevard
Dover, DE 19904
Phone: (302) 674-7379
Fax: (302) 739-5566
Email: rhonda.west@state.de.us.

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
DIVISION OF AIR AND WASTE MANAGEMENT
Proposed Revision to Delaware's 2008 State Implementation Plan For Attainment of the PM_{2.5} Annual National
Ambient Air Quality Standard - Attainment Demonstration
PUBLIC NOTICE

On March 2, 2010 the USEPA published a notice in the Federal Register of the approval of using the Motor Vehicle Emissions Simulator (MOVES) model as a tool for calculating on-road mobile emissions. The agency also stated in the notice that "today's approval also starts a two-year transportation conformity grace period which ends on March 2, 2012, after which MOVES 2010 is required to be used for new regional emissions analyses for transportation conformity". In consideration of the MOVES requirement for regional emissions analysis and that the MOVES model predicts more accurate mobile emissions; the Department is proposing to amend its currently adopted State Implementation Plan with a revised on-road mobile emissions budget using the MOVES model. This action will more accurately calculate the on-road sector's portion of particulate matter and oxides of nitrogen emissions in New Castle County. The action will also address the compatibility issue with future regional emissions analyses for transportation conformity for the annual PM 2.5 standard.

This action is not a regulation and does not have a sunset date.

Statements and testimony may be presented either orally or in writing at a public hearing to be held on December, 28, 2011 beginning at 6:00 PM in the DNREC Auditorium, located at the Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901. Interested parties may submit comments in writing to: Philip Wheeler, DNREC Division of Air Quality, 655 South Bay Road, Dover Delaware, 19901.

DIVISION OF FISH AND WILDLIFE
3900 Wildlife
PUBLIC NOTICE

The changes to regulation 3900 Wildlife will be presented in a public hearing on January 25, 2012 beginning at 6:00 p.m. in the DNREC Auditorium, 89 Kings Highway, Dover, Delaware. The hearing record for the proposed regulatory changes will remain open until 4:30 p.m. January 31, 2012. The hearing order is as follows:

3900.1 – Definitions

3900.2 – Method of Take

3900.3 – Federal Laws

3900.4 – Seasons

3900.5 – Wild Turkeys

3900.7 – Deer

3900.8 – General Rules and Regulations Governing Land and Waters Administered by the Division

3900.15 – Collection or Sale of native Wildlife

3900.22 - Hunter and Trapper Identification Number

1.0 Definitions. This action will correct a typographical error

2.0 Method of Take. This action will 1- Allow red fox to be hunted with revolvers and single shot pistols which is a liberalization of the current regulation. 2. Revise snapping turtle regulations to require that traps be set allowing for breathing space, require traps be marked with the trapper's name and address, require that traps be checked and emptied at least every 35 hours and require that a free permit to trap snapping turtles be obtained prior to trapping.

3.0 Federal Laws. This action will allow for an increase in the number of special youth waterfowl days from 1 to 2 days.

4.0 Seasons. This action will 1- Reduce the length of the quail hunting season by 1 month. 2. Increase the size of a legal snapping turtle from 8 inches to 11 inches. 3. Allow for the muskrat trapping season to be extended if certain weather conditions exist.

5.0 Wild Turkeys. This action will 1- Clarify parts of existing regulations related to the hunter education requirement for turkey hunting. 2. Allow for 7 and 7 ½ shot size to be used for turkey hunting if this shot is part of a multiple shot size load that also contains 4, 5 or 6 shot. 3. Clarify what constitutes the written authorization from the Division to turkey hunt. 4. Establishes a youth turkey hunting day on selected public lands.

7.0 Deer. This action will 1- Correct typographical errors. 2. Allow the Division to target more specific geographical locations from which to ban importation of deer carcasses that have documented cases of Chronic Wasting Disease.

8.0 General Rules and Regulations Governing Land and Waters Administered by the Division. This action will 1- Prohibit the general collection of wildlife species from Division lands without the authorization of the Division Director. 2. Clarify that it is unlawful to fish in Division ponds except in accordance with conditions set forth on area maps and/or signs. 3. Make it illegal to hunt or be in possession of firearms on Division lands while consuming, possessing, or under the influence alcohol or drugs.

15.0 Collection or Sale of native Wildlife. This action will strike a regulation related to snapping turtles and moves the elements to other regulations.

22.0 Hunter and Trapper Identification Number. This action will change the name of the Hunter and Trapper Identification Number to the Hunter and Trapper License Exempt Number.

DEPARTMENT OF SAFETY AND HOMELAND SECURITY
DIVISION OF STATE POLICE
1300 Board of Examiners of Private Investigators & Private Security Agencies
PUBLIC NOTICE

Notice is hereby given that the Board of Examiners of Private Investigators and Private Security Agencies, in accordance with Del. Code Title 24 Chapter 13 proposes to amend Adopted Rule 3.0 - Nightstick, PR 24, Mace, Peppergas and Handcuffs, Adopted Rule 5.0 - Use of Animals, Adopted Rule 7.0 - Employment Notification, and Adopted Rule 12.0 - Record Book: Right of Inspection. The amendment to Rule 3.0 changes who the training records are sent to. The amendment to Rule 5.0 expands the rule to cover any regulated by this chapter. The amendment to Rule 7.0 omits the first paragraph and will be placed in another rule at a later date. The amendment to Rule 12.0 adds the requirement to keep a copy of the 16 hours mandatory security guard training. If you wish to view the complete Rules, contact Ms. Peggy Anderson at (302) 672-5304. Any persons wishing to present views may submit them in writing, by December 31, 2011, to Delaware State Police, Professional Licensing Section, P.O. Box 430, Dover, DE 19903. The Board will hold its quarterly meeting Friday, January 27, 2012, 10:00am, at the Tatnall Building, 150 William Penn Street, Room 113 in Dover, Delaware.

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 Del. Code Title 24 Chapter 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 December 31, 2011, to Delaware State Police, Professional Licensing Section, P.O. Box 430, Dover, DE 19903. The Board will hold its quarterly meeting Thursday, February 16, 2012, 10:00am, at the Tatnall Building, 150 William Penn Street, Room 113 in Dover, Delaware.

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
200 Board of Landscape Architecture
PUBLIC NOTICE

The Delaware Board of Landscape Architects in accordance with 24 **Del.C.** §205 has proposed amendments to Rule 4.0 Licenses. The proposed revisions to the rules are an attempt to better organize and clearly establish the standards governing Landscape Architects in the State of Delaware.

A public hearing will be held on February 9, 2012, at 9:15 a.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 Jessica Williams, Administrative Assistant for the Delaware Board of Landscape Architects, 861 Silver Lake Blvd, Cannon Building, Suite 203, Dover, DE 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 will consider promulgating the proposed regulations at its regularly scheduled meeting following the public hearing.

DIVISION OF PROFESSIONAL REGULATION
1100 Board of Dental Examiners
PUBLIC NOTICE

The Board of Dentistry and Dental Hygiene ("the Board") in accordance with 24 **Del.C.** §1106(a)(1) has proposed amendments to Rule 7.0 Anesthesia Regulations. The proposed amendments clarify and distinguish the requirements for a dentist seeking an "Unrestricted Permit" to administer anesthesia in his or her individual capacity and the requirements for an "Unrestricted Facility Permit" that would enable an anesthesiologist to be utilized at a dental facility to provide the anesthesia. A public hearing will be held on January 12, 2012 at 3:15 p.m. in the Public Service Commission Hearing Room on the first floor 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 Board of Dentistry and Dental Hygiene, 861 Silver Lake Blvd, Cannon Building, Suite 203, Dover, DE 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 will consider promulgating the proposed regulations at its regularly scheduled meeting following the public hearing.

DIVISION OF PROFESSIONAL REGULATION
2700 Board of Professional Land Surveyors
PUBLIC NOTICE

The Delaware Board of Professional Land Surveyors, pursuant to 24 **Del.C.** §2706(a), proposes to revise regulation 12.0 *et seq.* The proposed revisions to this regulation requires ALTA/ACSM be titled according to current published standards, requires subdivision surveys be titled according to the governing regulatory agency, and clarifies boundary survey plans as the only acceptable plat title; clarifies that when no recorded rights-of-way are provided, it is to be noted on the plan; requires written property descriptions accompany boundary survey, ALTA/ACSM land title Surveys and Subdivision Surveys except in certain circumstances; details the setting of boundary corners for major and minor subdivision surveys; renames MIP to MSP; details the necessary language for ultimate user waiver and disclosure forms; and requires licensees to maintain waivers on file for three years. The requirement of two corner markers to be included with every MSP has been deleted.

The Board will hold a public hearing on the proposed regulation change on January 19, 2012 at 9:00 a. m., Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Sandy Wagner, Division of Professional Regulation, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904.

DIVISION OF PROFESSIONAL REGULATION
2900 Real Estate Commission
PUBLIC NOTICE

Pursuant to 24 **Del.C.** §2905(a)(1), the Delaware Real Estate Commission has proposed revisions to its rules and regulations.

A public hearing will be held on January 12, 2012 at 9:15 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. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Real Estate Commission, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Commission at the above address. The final date to receive written comments will be at the public hearing.

The Commission has proposed extensive revisions to the rules and regulations to implement amendments to the Board's licensing law, Chapter 29 of Title 24 of the Delaware Code, which will go into effect on February 3, 2012.

In particular, the proposed rules specify the licensure requirements for Broker of Record, Associate Broker and Salesperson and for licensure by reciprocity.

The Commission proposes removal of the requirement that application must be made within twelve months after course completion. However, if application is not made within twelve months, the applicant must meet continuing education requirements.

The amendments add provisions imposing greater responsibility on the Broker for the conduct of his or her Associate Brokers and Salespersons. Specifically, Brokers will be required to maintain continuing education certificates for Associate Brokers and Salespersons.

The rules pertaining to advertising are expanded to set forth disclosure requirements for all types of advertising, including internet advertising.

The rules pertaining to continuing education are expanded to specify requirements for licensure renewal. The Commission's authority to conduct audits and impose discipline in connection with rule to show cause hearings is also explained in detail.

Finally, the list of crimes substantially related to the provision of Real Estate Services is expanded.

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

DIVISION OF PROFESSIONAL REGULATION
3000 Board of Professional Counselors of Mental Health and Chemical Dependency Professionals
PUBLIC NOTICE

The Delaware Board of Mental Health and Chemical Dependency Professionals in accordance with 24 **Del.C.** § 3006 (1) has proposed amendments to Rule 5.0 License for Marriage and Family Therapist and 6.0 License for Associate Marriage and Family Therapist. The proposed revisions to the rules are an attempt to bring the Board's standards in compliance with the Association of Marital and Family Therapy Regulatory Board's standards who administer the test.

A public hearing will be held on January 25, 2012 in the second floor Conference Room A of the Cannon Building, 861 Silver Lake Blvd, Dover, DE 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 Jessica Williams, Administrative Assistant for the Delaware Board of Professional Counselors, 861 Silver Lake Blvd, Cannon Building, Suite 203, Dover, DE 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 will consider promulgating the proposed regulations at its regularly scheduled meeting following the public hearing.

DIVISION OF PROFESSIONAL REGULATION
3300 BOARD OF VETERINARY MEDICINE
PUBLIC NOTICE

Pursuant to 24 **Del.C.** §3306(a)(1), the Board of Veterinary Medicine has proposed revisions to its rules and regulations.

A public hearing will be held on January 12, 2012 at 1:15 p.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. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Board of Veterinary Medicine, 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 2.0, addressing Unprofessional Conduct for Veterinarians. Specifically, Rule 2.1.17 is added to provide that, upon request of the client, directed to the veterinarian, the veterinarian shall disclose common side effects of the medications prescribed by the veterinarian.

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

DEPARTMENT OF TRANSPORTATION
DIVISION OF PLANNING AND POLICY
PUBLIC NOTICE
2306 Crash Data Release

The Delaware Department of Transportation Division of Planning hereby gives notice of its intention to adopt regulations pursuant to 29 **Del.C.** §8404(8) and in compliance with the Delaware Administrative Procedures Act, 29 **Del.C.** §10115. The proposed regulations set out below describe the requirements and procedures to be followed by DelDOT personnel in releasing crash data and/or information related to sites identified under the Highway Safety Improvement Program (HSIP).

The Department solicits, and will consider timely filed written comments from interested individuals and groups concerning these proposed regulations. The deadline for the filing of such comments will be thirty (30) days after the proposed amendments are promulgated in the Delaware Register of Regulations. Any such submissions should be mailed, emailed or hand-delivered to Adam Weiser, whose address is Delaware Department of Transportation, 169 Brick Store Landing Road, Smyrna, Delaware 19977, or Adam.Weiser@state.de.us. by December 31, 2011.

EXECUTIVE DEPARTMENT
OFFICE OF MANAGEMENT AND BUDGET
STATEWIDE BENEFITS OFFICE
Disability Insurance Program Rules and Regulations
PUBLIC NOTICE

Pursuant to the State's Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of 29 **Del.C.** §5256, the State Employee Benefits Committee established by 29 **Del.C.** §9602 is considering adopting rules and regulations for the general administration of the Disability Insurance Program established pursuant to Title 29, Chapter 52A of the **Delaware Code**.

Any person who wishes to submit written suggestions, compilations of data, briefs or other written materials concerning the proposed rules and regulations must submit same to Brenda Lakeman, Director, at Statewide Benefits Office, 500 W. Loockerman Street, Suite 320, Dover, DE 19904 or by email at brenda.lakeman@state.de.us or by fax at (302) 739-8339 by January 20, 2012. A public hearing to consider the adoption of the Disability Insurance Program Rules and Regulations will be held during the State Employee Benefits Committee meeting scheduled on January 30, 2012 at 2:00 pm at the Tatnall Building, 150 William Penn Street, Dover, DE 19901. The action concerning the adoption of the proposed rules and regulations will be based upon the results of the State Employee Benefits Committee staff analysis and consideration of any comments and written materials submitted by any person.

15 DE Reg. 938 (12/01/11)