

## **DELAWARE RIVER BASIN COMMISSION**

### **PUBLIC NOTICE**

The Delaware River Basin Commission will hold a public hearing on **Wednesday, February 10, 2016** beginning at **1:30 p.m.** A business meeting will be held the following month on **Wednesday, March 16, 2016** beginning at **10:30 a.m.** The hearing and meeting are open to the public and will be held at the Washington Crossing Historic Park Visitor Center, 1112 River Road, Washington Crossing, Pennsylvania. For more information, visit the DRBC web site at [www.drbc.net](http://www.drbc.net) or contact Pamela M. Bush, Commission Secretary and Assistant General Counsel, at 609-883-9500 extension 203 and [pamela.bush@drbc.nj.gov](mailto:pamela.bush@drbc.nj.gov).

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## **DEPARTMENT OF EDUCATION**

### **PUBLIC NOTICE**

The State Board of Education will hold its monthly meeting on Thursday, February 18, 2016 at 9:00 a.m. in the Townsend Building, Dover, Delaware.

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## **DEPARTMENT OF FINANCE**

### **OFFICE OF UNCLAIMED PROPERTY, STATE ESCHEATOR**

#### **PUBLIC NOTICE**

#### **Voluntary Disclosure Agreement and Escheat Examination Manual**

In compliance with the State's Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of 12 **Del.C.** §1154, the Delaware Department of Finance's Office of Unclaimed Property, State Escheator, proposes to revise and replace its regulations related to its Voluntary Disclosure Agreements and Escheat Examinations.

In accordance with 29 **Del.C.** §10116, persons wishing to submit written comments, suggestions, briefs, and compilations of data or other materials concerning the proposed regulations should direct them to the following address:

David Gregor  
State Escheator  
Department of Finance  
820 N. French Street  
Wilmington, DE 19801

Notice may also be directed via electronic mail to [david.gregor@state.de.us](mailto:david.gregor@state.de.us). Any written submission in response to this notice and relevant to the proposed regulations must be received by the Department of Finance no later than **4:30 p.m. EST, Friday, April 1, 2016**.

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

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## **DEPARTMENT OF HEALTH AND SOCIAL SERVICES**

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

#### **PUBLIC NOTICE**

#### **Statewide Transition Plan**

#### **Home and Community-Based Services Settings**

#### **Transition Plan Updates**

In accordance with the public notice requirements of 42 CFR 441.301(6)(B)(iii), 42 CFR 441.710(3)(iii), and Title 29, Chapter 101 of the Delaware Code, Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) gives notice related to the state's plan to comply with new federal regulations governing the settings in which the delivery of services to Medicaid Home and Community-Based Services (HCBS) waiver recipients may be provided.

#### **Purpose**

The purpose of this posting is to provide public notice and receive public input for consideration regarding Delaware Medicaid's Proposed Home and Community-Based Services (HCBS) Settings Transition Plan, specifically the HCBS Transition Plan Updates.

## Overview

The Centers for Medicare and Medicaid Services (CMS) published regulations in the Federal Register (42 CFR 441.301(c)(4)-(6) on January 16, 2014, effective March 17, 2014, which changed the definition of Home and Community-Based Services (HCBS) settings. Because Delaware's 1115 Demonstration refers to the 1915(c) authority for HCBS services, the state must comply with these regulatory changes. Delaware does not have a 1915(k) waiver. The transition plan must describe the process by which the state will ensure that service settings used in each of its home and community-based waivers meet "community-like" expectations. The final rule provides for a five-year transition process that will allow states to implement this rule in a manner that supports continuity of services for Medicaid recipients and minimizes disruptions in service during implementation; as such, all such services must be in compliance with CMS requirements before March 2019.

For additional information about the CMS HCBS final rule, use the following link to the CMS website:

<http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Long-Term-Services-and-Supports/Home-and-Community-Based-Services/Home-and-Community-Based-Services.html>.

Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) previously provided an opportunity for comment on Delaware's HCBS Transition Plan.

## Transition Plan Update

The Department of Health and Social Services (DHSS) is updating the Delaware Statewide Transition Plan (the Plan) to reflect the current status of implementation activities as of February 2016. We direct you to the following sections of the Plan that contain updated information:

1. February 2016 Update to the Division of Developmental Disability Services (DDDS) Waiver Assessment and Remediation Plan and February 2016 Update to Diamond State Health Plan (DSHP) Demonstration and Remediation Plan for new information since publication of the Plan in September 2015;
2. Attachment 5 for the CMS comments and DHSS' responses;
3. Attachment 6 for updated state systemic assessments by provider setting type;
4. Attachment 7 for DDDS provider surveys; and
5. Attachment 8 for DSHP provider and member survey instruments and findings, and Managed Care Organizations (MCOs) self-assessment instrument.

We have updated the Statewide Transition Plan Timeline matrices on pages 10 and 11 to show any tasks, dates, and completion statuses that have been revised. Moving forward, we plan to update the Plan as needed to reflect the status of implementation activities as they occur.

## Draft of Proposed Statewide 1915 HCBS Settings Transition Plan Update

This public notice, transition plan containing updates, and other related information for participating in and submitting comment are posted online at:

[http://dhss.delaware.gov/dhss/dmma/hcbs\\_trans\\_plan.html](http://dhss.delaware.gov/dhss/dmma/hcbs_trans_plan.html). Delaware will be submitting its updated Transition Plan to CMS by March 31, 2016.

Hard copies are available by contacting Arlene Baal at [Arlene.Baal@state.de.us](mailto:Arlene.Baal@state.de.us).

Hard copies are available for review at the Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, Holloway Campus, Lewis Building, Conference Room 198, New Castle, Delaware 19720 from 8:00 a.m. – 4:30 p.m.

## Public Hearings

DHSS/DMMA will provide the following opportunities to the public to provide input on the proposed (HCBS) Settings Transition Plan Updates in person. Three (3) public hearings are scheduled. The detailed information for each public hearing is shown below.

1. **NEW CASTLE COUNTY**  
**Friday, March 4, 2016**  
**4:00pm – 6:00pm**  
Delaware State Police  
Troop 2  
Robert Paris Community Room  
100 Lagrange Avenue  
Newark, Delaware 19702  
Phone: 302-834-2620 - main line  
(Visitor parking is in the front of the building)

2. **Sussex County**  
**Monday, March 7, 2016**  
**1:30am-3:30pm**  
Thurman Adams State Service Center  
(Formerly, Georgetown State Service Center)  
546 South Bedford Street  
Georgetown, Delaware 19947  
Phone: 302-856-5211 or 302-856-5574  
(Visitor parking is designated by signs and is close to the entrance of the building)
  
3. **KENT COUNTY**  
**Monday, March 7, 2016 \*\*\*CORRECTION\*\*\***  
**5:00pm – 7:00pm**  
Delaware Department of Transportation  
Administration Center  
800 Bay Road  
Dover, Delaware 19901  
Phone: 302-760-2000  
(Visitor parking is in the front of the building)

The State will take verbal and written comments at the public hearings. The input provided will be summarized and used to formulate Delaware's final statewide transition plan that will be submitted to CMS.

If you require special assistance or auxiliary aids and/or services to participate in the public hearing (e.g., sign language or wheelchair accessibility), please call the following contact at least ten (10) days prior to the hearing for arrangements: Arlene Baal at (302) 255-9561

The prompt submission of requests helps to ensure the availability of qualified individuals and appropriate accommodations in advance.

#### **Public Comment Submission Process**

As required by 42 CFR Part 441.301, DHSS/DMMA must provide, at a minimum, a thirty-day public notice and comment period. Per Del. Code, Title 29, Ch. 101 §10118 (a), the public comment period will be extended to 15 days after the final public hearing. The public is invited to review and comment on the State's proposed Transition Plan Updates. Comments must be received by 4:30 p.m. on March 22, 2016. Comments and input regarding the draft transition plan may be submitted in the following ways:

By email: [DMMA\\_PublicHearing@state.de.us](mailto:DMMA_PublicHearing@state.de.us)

By fax: 302-255-4481 to the attention of HCBS Transition Plan Updates

By written comments sent to:

HCBS Transition Plan Updates  
Division of Medicaid and Medical Assistance  
Planning, Policy & Quality Unit  
1901 North DuPont Highway  
P.O. Box 906  
New Castle, Delaware 19720-0906

Please identify in the subject line: Draft Home and Community-Based Services (HCBS) Settings Transition Plan Updates.

The summary of comments, in addition to a summary of modifications made in response to the public comments, will be added to the Delaware's updated HCBS Transition Plan. The state will post on the **DMMA website** a summary of public comments and our responses and, the final updated transition plan with any modifications after the receipt of public comments.

**Stephen M. Groff**      **July 27, 2015**  
Director  
Division of Medicaid and Medical Assistance

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

The Delaware Board of Dentistry and Dental Hygiene, pursuant to 24 **Del.C.** §1106(a)(1), proposes to revise its regulations. The proposed amendments to subsections 4.0 and 4.1 seek to clarify that the statutory requirement set forth at 24 **Del.C.** §1122(a)(1) requiring dental candidates to have "received a degree in dentistry from an accredited dental college or university accredited by the Commission on Dental Accreditation of the American Dental Association" may obtain such a degree through either a pre-doctoral dental education program or a post-doctoral dental program of at least 24 months in any specialty that includes a clinical component. The proposed changes at subsection 12.2.28 seek to clarify that fee-splitting is a basis for discipline of a Delaware dentist or dental hygienist.

The Board will hold a public hearing on the proposed rule change on March 17, 2016 at 3:00 PM, 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 Dentistry and Dental Hygiene, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until April 1, 2016.

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**DIVISION OF PROFESSIONAL REGULATION**  
**PUBLIC NOTICE**  
**1799 Genetic Counselor Advisory Council**

Pursuant to 24 **Del.C.** §1799(c), the Genetic Counselor Advisory Council ("the Council") of the Delaware Board of Medical Licensure and Discipline has proposed revisions to its rules and regulations pertaining to license renewal and continuing education requirements.

A public hearing will be held on March 4, 2016 at 3:30 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 Genetic Counselor 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 March 19, 2016, which is 15 days following the public hearing.

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**DIVISION OF PROFESSIONAL REGULATION**  
**PUBLIC NOTICE**  
**2925 Real Estate Commission Education Committee**

Pursuant to 24 **Del.C.** §2906(a)(1), the Delaware Real Estate Commission has proposed revisions to the Real Estate Commission Education Guidelines (the "Guidelines").

A public hearing will be held on March 10, 2016 at 9:00 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. 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. Pursuant to 29 **Del.C.** §10118(a), the final date to receive written comments will be March 25, 2016, which is 15 days following the public hearing. The Commission will deliberate on all of the public comments at its regularly scheduled meeting on April 14, 2016, at which time the Commission will decide whether to adopt the revisions as proposed.

The Commission has proposed a new Rule 4.0 to address distance education. Rule 4.0 provides that prelicensing education, for both salespeople and brokers, and continuing education, may be accomplished through distance education. The proposed rule establishes standards for distance education courses, providers and instructors to ensure that applicants and licensees receive appropriate training. Other rules are revised to accommodate the new Rule 4.0.

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**DEPARTMENT OF TRANSPORTATION**  
**DIVISION OF MAINTENANCE AND OPERATIONS**  
**PUBLIC NOTICE**  
**2601 Outdoor Advertising**

The Department of Transportation has developed a general revision of its Outdoor Advertising regulations. Among other changes, the regulations clarify standards for public service signs as well as decorative residential subdivision signs. It also changes the time period for agri-produce signs to reflect seasonal products outside of the typical growing season.

The Department will take written comments on the proposed Outdoor Advertising Regulations from February 1, 2016 through March 2, 2016. The proposed Regulations appear below.

Any request for copies of the proposed Regulations, or any questions or comments regarding this document should be directed to:

Jeff Leonard  
Outdoor Advertising and Roadside Control Manager  
Division of Maintenance and Operations  
Delaware Department of Transportation  
250 Bear-Christiana Road  
Bear, DE 19701  
(302) 326-4585 (telephone)  
(302) 739-2895 (fax)  
jeff.leonard@state.de.us

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**DIVISION OF MOTOR VEHICLES**  
**PUBLIC NOTICE**  
**2289 Transportation Network Companies**

The Delaware Division of Motor Vehicles (DMV) gives notice of intent to create a new regulation Title 2 Transportation Regulation 2289 Transportation Network Companies. This regulation sets forth regulations and procedures to clearly identify the roles and responsibilities of each party as they relate to Transportation Network Companies (TNC) and the safe movement of persons using a TNC service for transportation via a TNC digital network in the State of Delaware.

The DMV will take written comments on the proposed new Regulation 2289 of Title 2, Delaware Administrative Code, from February 1, 2016 through March 2, 2016.

The public may submit their comments to Ken Shock, Chief of Compliance and Investigations, Delaware Division of Motor Vehicles, P.O. Box 698, Dover, Delaware 19903, or by fax to (302) 736-7993 Attn: Ken Shock.

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**DIVISION OF PLANNING AND POLICY**  
**PUBLIC NOTICE**  
**2309 Development Coordination Manual**

Pursuant to the authority provided by 17 **Del.C.** §§132(e), 507, and 508, as well as 29 **Del.C.** §8404(8), the Delaware Department of Transportation (DelDOT) adopted the Development Coordination Manual.

The Department, through its Division of Planning and Public Policy, seeks to adopt general revisions to its existing regulations, the Development Coordination Manual, to address procedural changes, add or modify technical requirements, clarify and amend design criteria and generally clarify the role of external technical references and guidance materials, (as supporting documentation for design firms that are implementing the regulations). These collective changes are both technical and administrative in nature and serve in part to clarify the intent of the Department as enacted through these regulations.

DelDOT will take written comments on these proposed general revisions to Section 2309 of Title 2, Delaware Administrative Code, from February 1, 2016 through March 2, 2016. The public may submit their comments to:

Marc Coté, P.E., Assistant Director, Planning Development Coordination via email  
(Marc.Cote@state.de.us) or in writing to his attention,  
Division of Planning  
Delaware Department of Transportation  
P.O. Box 778  
Dover, DE 19903

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