

**DEPARTMENT OF AGRICULTURE
HARNESS RACING COMMISSION**

PUBLIC NOTICE

501 Harness Racing Rules and Regulations

The Delaware Harness Racing Commission, pursuant to 3 *Del.C.* §10005, proposes to change its Rule 9. The Commission will hold a public hearing on the proposed rule changes on February 10, 2009. Written comments should be sent to Hugh J. Gallagher, Administrator of Harness Racing, Department of Agriculture, 2320 S. DuPont Highway, Dover, DE 19901. Written comments will be accepted for thirty (30) days from the date of publication in the Register of Regulations on January 1, 2009.

The proposed changes are for the purpose of updating Rule 9 to reflect current policies, practices and procedures. Copies are published online at the *Register of Regulations* website: http://regulations.delaware.gov/services/current_issue.shtml A copy is also available for inspection at the Racing Commission office.

DEPARTMENT OF EDUCATION

PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, January 15, 2009 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF PUBLIC HEALTH**

PUBLIC NOTICE

4202 Control of Communicable and Other Disease Conditions

The Department of Health and Social Services is proposing regulations which establish the regulation of Hospital Acquired Infections. 76 **Del. Laws**, c. 122, §1. creates the Hospital Infections Disclosure Act requiring hospitals and correctional facilities to report quarterly data on hospital-acquired infection rates. The law requires that the Department pass regulations to enforce compliance according to the provisions of Chapter 10, Title 16 of **Delaware Code** relating to Reporting and Disclosure of Infections.

The Health Promotion and Disease Prevention Section, Bureau of Epidemiology under the Division of Public Health, Department of Health and Social Services, will hold a public hearing to discuss the proposed Delaware Regulations for Hospital Acquired Infections. The regulations for Hospital Acquired Infections will address National Health Safety Network participation, the clinical procedures that will be included, the requirements of the required "hospital background", the "summary information requirements", physician reporting requirements and timelines. Additionally, Appendix I State of Delaware – List of Notifiable Diseases/Conditions will be amended.

The public hearing will be held on January 29, 2009 at 10:00 a.m. in the Third 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 January 1, 2009, edition of the Delaware Register of Regulations, accessible online at: <http://regulations.delaware.gov> or by calling the Bureau of Epidemiology at (302) 744-4541.

Anyone wishing to present his or her oral comments at this hearing should contact Ms. Deborah Harvey at (302) 744-4700 by January 21, 2009. Anyone wishing to submit written comments as a supplement to or in lieu of oral testimony should submit such comments by January 30, 2009 to:

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

Fax (302) 739-6659

DIVISION OF SOCIAL SERVICES

PUBLIC NOTICE

FOOD SUPPLEMENT PROGRAM

9029 Household Cooperation

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 Food Supplement Program policies in the Division of Social Services Manual (DSSM) regarding *Household Cooperation*.

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 January 31, 2009.

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.

SUMMARY OF PROPOSED CHANGE

The proposed change described below amends Food Supplement Program policies in the Division of Social Services Manual (DSSM) regarding *Household Cooperation*.

Statutory Authority

- 7 CFR §273.12(c)(3), *State agency action on changes – unclear information;*
- 7 CFR §273.16 (e)(2)(iii), *Disqualification hearing procedures;*
- 7 CFR §273.16 (f)(1)(ii)(B), *Advance notification.*

Summary of Proposed Change

DSSM 9029, Household Cooperation: The United States Department of Agriculture/Food and Nutrition Service (USDA/FNS) published an administrative notice informing the Division of Social Services (DSS) that States cannot close client food supplement benefits due to non-cooperation with fraud investigators. FNS requested that DSS remove this language from state policy.

Management has already advised staff that they cannot close a food supplement case due to non-cooperation with Audit and Recovery Management Services (ARMS). If staff closes a food supplement case for non-cooperation with ARMS, it causes a negative error if reviewed by Quality Control. The worker must send the client a *Request for Contact* form and allow the client ten days to clarify or verify the information that is in question. The client must cooperate with the DSS worker in providing the information.

DEPARTMENT OF INSURANCE

PUBLIC NOTICE

804 Worker's Compensation Provision of Services Contracts

INSURANCE COMMISSIONER MATTHEW DENN hereby gives notice of intent to adopt proposed Department of Insurance **Regulation 804** relating to **WORKERS' COMPENSATION PROVISION OF SERVICES CONTRACTS**. The docket number for the proposed regulation is 1044.

The purpose for proposing Regulation 804 is to require contracts between an employer or insurance carrier and a health care provider for the provision of services to be in writing and to be signed by all parties. The text of the proposed regulation is reproduced in the January 2009 edition of the *Delaware Register of Regulations*. The text can also be viewed at the Delaware Insurance Commissioner's website at: <http://www.delawareinsurance.gov/departments/documents/ProposedRegs/ProposedRegs.shtml>.

The Department of Insurance does not plan to hold a hearing on this proposed regulation. Written comments, suggestions, briefs, compilations of data or other materials concerning the proposed amendments are being solicited from any interested party. Written comments or other written materials concerning the proposed regulation must be received by the Department of Insurance no later than 4:30 p.m., February 2, 2009, and should be addressed to Regulatory Specialist Mitchell G. Crane, Esquire, c/o Delaware Department of Insurance, 841 Silver Lake Boulevard, Dover, DE 19904, or sent by fax to 302.739.2021 or email to mitch.crane@state.de.us.

**DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL
CONTROL
DIVISION OF AIR AND WASTE MANAGEMENT
PUBLIC NOTICE**

1141 Limiting Emissions of Volatile Organic Compounds from Consumer and Commercial Products

1. Title of the Regulation:

Amendment to **regulation 1141 Limiting Emissions of Volatile Organic Compounds from Consumer and Commercial Products**, Section 2.0 "Consumer Products" and Section 4.0 "Adhesives & Sealants".

2. Brief Synopsis of the Subject, Substance and Issues:

Delaware is in non-attainment under the 8-hour ground-level ozone National Ambient Air Quality Standards (NAAQS) and further reduction in the emissions of volatile organic compounds (VOC), a precursor to ground-level ozone, is needed to meet the 2009 NAAQS.

As to Section 2.0, this amendment adds 23 new products and product types to the existing slate of consumer products for which VOC content has been regulated since 2001. A reduction of 220 tons per year VOC emissions is expected.

As to Section 4.0, this amendment adds a heretofore unregulated category of commercially used products including 25 adhesives, 4 adhesive primers, 5 sealants and 3 sealant primers. A 365 ton per year reduction in VOC emissions is expected.

3. Possible Terms of the Agency Action:

None.

4. Statutory Basis or Legal Authority to Act:

7 **Delaware Code**, Chapter 60.

5. Other Regulations that may be Affected by the Proposal:

None.

6. Notice of Public Comment:

There will be a hearing on these proposed amendments on Wednesday, January 28, 2009 beginning at 6pm in the Priscilla Building conference room. Interested parties may submit comments in writing to Gene Pettingill, Air Quality Management Section, 715 Grantham Lane, New Castle, DE 19720 and/or statements and testimony may be presented either orally or in writing at the public hearing.

7. Prepared By:

Gene Pettingill (302) 323-4542
December 4, 2008

DIVISION OF FISH AND WILDLIFE

Statutory Authority: 7 Delaware Code, Section 903(e)(2)a.(3) (7 **Del.C.** §903(e)(2)a.(3))
7 DE Admin. Code 3504

REGISTER NOTICE

SAN #2008-28

1. Title of the Regulation:

Amend Tidal Finfish Regulation No. **3504 Striped Bass Possession Size Limit; Exceptions**

2. Brief Synopsis of the Subject, Substance and Issues:

The current minimum size limit for striped bass (*Morone saxatilis*) taken in Delaware waters by recreational fishermen is 28-inches (TL) throughout the year. Large striped bass in excess of 28 inches tend to be females and most leave the Bay and River after spawning in the spring and often undergo extensive coastal migrations throughout the summer months. Large striped bass return in the late fall and winter. Male striped bass mature at an earlier age and often do not reach the current large minimum size limit. Tagging studies indicate male striped bass are also less migratory and often remain within the estuaries throughout the summer.

The Delaware Division of Fish and Wildlife has received approval from the Atlantic States Marine Fisheries Commission to establish a two-month season during the summer that would allow recreational anglers in Delaware Bay, Delaware River and its tributaries to land two striped bass per day between 20 and 26-inches. During this two-month period, anglers fishing within the designated areas of the River and Bay would be required to release any striped bass that were below or above the 20 to 26-inch slot limit. The slot-limit would not occur in coastal areas of Delaware. This regulation change will greatly increase the opportunity for anglers in the River and Bay to target male striped bass and keep a very desirable food fish.

3. Possible Terms of the Agency Action:

These changes would go into effect March, 2009 and remain in effect indefinitely unless changed.

4. Statutory Basis or Legal Authority to Act:

7 Delaware Code §903(e)(2)a.(3)

5. Other Regulations that may be Affected by the Proposal:

This would represent an amendment to the existing Tidal Finfish Regulation (No.3504). No other regulations are affected.

6. Notice of Public Comment:

Individuals may address questions to the Fisheries Section, Division of Fish and Wildlife, 89 Kings Highway, Dover, DE 19901 or phone (302)-739-9914. A public hearing on these proposed regulations will be held in the Department of Natural Resources and Environmental Control auditorium at 6:30 PM on Monday, January 26, 2009. Individuals may present their opinions and evidence either at the hearing or in writing to Lisa Vest, Hearing Officer, DNREC, 89 Kings Highway, Dover, DE 19901, or via email to Lisa.Vest@state.de.us. The hearing record will remain open for written or email comments until 4:30 PM January 31, 2009.

7. Prepared By:

Craig A. Shirey 302-739-9914

December 10, 2008

12 DE Reg. 1000 (01/01/09)