

DEPARTMENT OF EDUCATION

PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, January 17, 2019 at 5:00pm at Seaford Central Elementary School (1 Delaware Place, Seaford, Delaware).

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF HEALTH CARE QUALITY

PUBLIC NOTICE

Regulations Governing Dialysis Centers

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 16 of the Delaware Code, Chapter 1, Section 122(3)(aa), Delaware Health and Social Services (DHSS) / Division of Health Care Quality (DHCQ) is proposing regulations governing Dialysis Centers.

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, the Office of Health Facilities Licensing and Certification, Division of Health Care Quality, 261 Chapman Road, Suite 200, Newark, Delaware 19702, by email to Corinna.Getchell@state.de.us or by fax to 302-292-3931 by 4:30 p.m. on January 31, 2019. Please identify in the subject line: Regulations Governing Dialysis Centers

The action concerning the determination of whether to adopt the proposed regulations 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

Chiropractic Services

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 Title XIX Medicaid State Plan and the DMMA Provider Policy Specific Manual regarding chiropractic services, specifically, to remove annual numerical limitations placed on chiropractic care visits for the purpose of treating back pain.

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, by email to Nicole.M.Cunningham@state.de.us, or by fax to 302-255-4413 by 4:30 p.m. on January 31, 2019. Please identify in the subject line: Chiropractic Services.

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

Eligibility Determination

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 Social Services Manual (DSSM) regarding Eligibility Determination, specifically, *to align state and federal policy*.

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, by email to Nicole.M.Cunningham@state.de.us, or by fax to 302-255-4413 by 4:30 p.m. on January 31, 2019. Please identify in the subject line: Eligibility Determination.

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.

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF FISH AND WILDLIFE

PUBLIC NOTICE

3300 Non-Tidal Finfish

3301 Definitions

3304 Creel Limits, Size Limits and Seasons

The Department proposes to adjust the start time for the opening day of freshwater trout season on designated trout streams. Opening day of the freshwater trout season is an event that draws large crowds of anglers to New Castle County's designated trout streams. Opening day of trout seasons often have a specified start time to help manage angler competition for fishing locations, but the current 7:30 a.m. opening day start time serves no current resource management purpose, is not meaningful for managing angler competition for fishing locations and unnecessarily limits angler access and participation. At the suggestion of a member of the public, Delaware's Advisory Council on Wildlife and Freshwater Fish recommended that the start time of Delaware's opening freshwater trout season be changed from 7:30 a.m. to 7 a.m., which is consistent with the 7:00 a.m. opening day start time established for designated trout ponds in Kent and Sussex Counties and provides expanded angler opportunity and participation. Angling hours for the remainder of the trout season (one-half hour before sunrise to one-half hour after sunset) are not affected by this action.

The Department also proposes two technical corrections to the Non-Tidal Finfish regulations. The Department proposes to clarify the definition for that portion of Pike Creek that is designated as a trout stream to reflect contemporary landmark and roadway naming. The Department also proposes to clarify that the upper bound of the smallmouth bass protected slot limit includes those fish measuring 17 inches in total length.

The hearing record on the proposed changes to 7 **DE Admin. Code** 3300 Non-Tidal Finfish - 3301 Definitions and 3304 Creel Limits, Size Limits and Seasons opens January 1, 2019. Individuals may submit written comments regarding the proposed changes via e-mail to Bethany.Fiske@state.de.us or via the USPS to Bethany Fiske, Hearing Officer, DNREC, 89 Kings Highway, Dover, DE 19901. A public hearing on the proposed amendment will be held on Wednesday, January 23, 2019 beginning at 6:00 PM in the DNREC Auditorium, located at the Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901. Public comments will be received until close of business Thursday, February 7, 2019.

DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES

DIVISION OF FAMILY SERVICES

OFFICE OF CHILD CARE LICENSING

PUBLIC NOTICE

101 DELACARE: Regulations for Early Care and Education and School-Age Centers

The Office of Child Care Licensing (OCCL) proposes to amend DELACARE: Regulations for Early Care and Education and School-Age Centers in accordance with 31 **Del.C** §343. This proposal includes the following changes from the current

regulations:

- Using plain language throughout the regulation;
- Clarification regarding the requirements for lead-paint risk assessments for centers that were built before 1978, including abatement for lead-paint hazards;
- Radon testing, including mitigation if necessary;
- Air quality testing for centers located in a building/structure that contains or contained a dry cleaner, nail salon, or any other use that may result in an unacceptable indoor air quality;
- Fingerprinting conducted before a staff member begins employment at the center;
- Comprehensive background checks for applicants, licensees, staff members, and volunteers before being alone with children;
- Broadening the education requirements for school-age site coordinators and reducing the experience requirements;
- Allowing early childhood interns to be alone with children during naptime;
- Certified staff at all times to administer medications, as needed;
- The allowance for licensees to be able to administer non-intravenous medication to comply with the Americans with Disabilities Act when requested by the parent;
- Adding the Administration of Medication Self-Training Guide to the appendices;
- Aligning the meals pattern requirements with the Child and Adult Care Food Program,
- Aligning the physical activity standards with national standards, and
- Requiring suspension and expulsion policies.

These amendments would require centers to be free of lead-paint and radon hazards and the additional requirement for centers located in a building/structure that contains or contained a business that may result in unacceptable air quality to have the air quality tested protects children's health. Comprehensive background checks and suspension and expulsion policies are required to comply with the Child Development Block Grant Act of 2014. Lastly, by amending these regulations, the needs of children requiring medication (with parent/guardian permission) while in child care will be met, consistent with the principles of the Americans with Disabilities Act. In addition, the application forms, the specific requirements to obtain a license, and due process provisions have been added to the regulation.

This proposal is very similar to the regulations that were proposed in November 2018; however changes were made based on stakeholder and providers' comments that OCCL received and the Administration of Medication Self-Training Guide was included as an appendix. Since the November proposal, the following sections, subsections, and appendices were changed:

- Definition of conference;
- Definition of toddler;
- Definition of early childhood teacher;
- Definition of group size;
- Youth camp was added to the definitions;
- Subsection 7.3;
- Subsection 4.3.1;
- Subsection 12.5;
- Subsection 13.4.6.3;
- Subsection 14.1.1;
- Subsection 15.2;
- Subsection 53.8.4;
- Subsection 62.1.24;
- Subsection 63.1;
- Subsection 63.1.1;
- Subsection 63.6;
- Subsection 63.8 was added;
- Subsection 64.1.1.1
- Subsection 65.3.3;
- Subsection 71.6.1;
- Subsections 71.9.1-71.9.3;
- Subsections 72.1-72.3;

- Subsection 23.1.2;
- Subsection 23.1.6;
- Subsection 26.6 added and the previous 26.6 was renumbered to 26.7;
- Subsection 30.1.19;
- Subsection 32.1.20;
- Subsection 45.2.2;
- Subsection 45.2.2.3;
- Subsection 45.2.3.2;
- Subsection 76.3.1;
- Subsection 76.4;
- Subsection 88.7;
- Subsection 90.1;
- Appendix IV was added and the designation of the previously IV and V were changed to V and VI;
- Appendix V; and
- Appendix VI.

Interested parties wishing to offer comments, suggestions, data, briefs, or other materials concerning the proposed regulation may submit them to the Office of Child Care Licensing, Division of Family Services, Department of Services for Children, Youth and Their Families, 3411 Silverside Road, Hagley Building, Wilmington, Delaware, 19810, Attention: Kelly McDowell or email them to Kelly McDowell at Kelly.McDowell@state.de.us by the close of business on January 31, 2019.

**DIVISION OF FAMILY SERVICES
OFFICE OF CHILD CARE LICENSING
PUBLIC NOTICE**

103 Regulations for Family and Large Family Child Care Homes

The Office of Child Care Licensing (OCCL) proposes to amend DELACARE: Regulations for Family and Large Family Child Care Homes in accordance with 31 **Del.C.** §343. This proposal includes the following changes:

- Lead-paint risk assessments for family child care homes that were built before 1978, including abatement for lead-paint hazards;
- Radon testing for family and large family homes, including mitigation if necessary;
- Air quality testing for large family homes located in a commercially-zoned building/structure that contains or contained a dry cleaner, nail salon, or any other use that may result in an unacceptable indoor air quality;
- Fingerprinting conducted before a staff member begins employment and before a new adult household member moves into the home;
- Comprehensive background checks for applicants, licensees, adult household members, staff members, and adult volunteers;
- Qualified staff at all times to administer medications, as needed;
- The allowance for licensees to be able to administer non-intravenous medication to comply with the Americans with Disabilities Act when requested by the parent;
- Administration of Medication Self-Training Guide was added to the appendices;
- Meals pattern requirements align with the Child and Adult Care Food Program,
- Physical activity standards align with national standards, and
- Suspension and expulsion policies.

These amendments would require family and large family homes to be free of lead-paint and radon hazards, and the additional requirement for large family homes located in commercially located buildings that contain or contained a business that may result in unacceptable air quality to have the air quality tested protects children's health. Lastly, by amending these regulations, the needs of children requiring medication (with parent/guardian permission) while in child care will be met, consistent with the principles of the Americans with Disabilities Act. In addition, the application forms, the specific requirements to obtain a license, and due process provisions have been added to the regulation.

This proposal is very similar to the regulations that were proposed in November 2018; however changes were made based on stakeholder and providers' comments that OCCL received and the Administration of Medication Self-Training Guide was included as an appendix. Since the November proposal, the following sections, subsections, and appendices

were changed:

- Definition of conference;
- Definition of toddler;
- Subsection 7.1.2.6.1;
- Subsection 7.1.3.3;
- Subsection 7.1.3.3.3;
- Subsection 7.1.3.4.2;
- Subsection 7.3;
- Subsection 11.5;
- Subsection 12.4.6.3;
- Subsection 12.4.7;
- Subsection 13.12;
- Subsection 20.1.2 was stricken and the rest of this section was renumbered;
- Subsection 20.2.12 was added;
- Subsection 22.1.9;
- Subsection 41.1.24;
- Subsection 42.1;
- Subsection 42.1.1;
- Subsection 42.8 was added;
- Subsection 43.1.1.1;
- Subsection 44.2.3;
- Subsection 50.4.1;
- Subsection 50.7.2;
- Subsection 50.7.3;
- Subsection 50.7.4;
- Subsection 51.18;
- Subsection 51.19;
- Subsection 51.20;
- Subsection 52.6;
- Subsection 52.10;
- Subsection 63.1;
- Subsection 66.3;
- Subsection 69.1.17;
- Appendix VIII was added and the designation of the previously VIII and IX were changed to IX and X;
- Appendix IX; and
- Appendix X.

Interested parties wishing to offer comments, suggestions, data, briefs, or other materials concerning the proposed regulation may submit them to the Office of Child Care Licensing, Division of Family Services, Department of Services for Children, Youth and Their Families, 3411 Silverside Road, Hagley Building, Wilmington, Delaware, 19810, Attention: Kelly McDowell or email them to Kelly McDowell at Kelly.McDowell@state.de.us by the close of business on January 31, 2019.

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

Pursuant to the authority provided by 29 **Del.C.** §8404(8), the Delaware Department of Transportation (DelDOT), adopted 2306 Policy and Procedures for Crash Data Release.

The Department, through its Division of Planning and Policy (“DelDOT”), seeks to repeal 2 **DE Admin. Code** 2306. The regulation covers the release of crash data by the Department of Transportation to any entities or personnel outside of DelDOT. The Delaware Department of Safety and Homeland Security (“DSHS”) are the owners of all crash data received by DelDOT. Based on current operating procedures between the two agencies, this regulation is no longer necessary and can be repealed.

DelDOT will take written comments on these proposed general revisions to 2 **DE Admin. Code** 2306 from January 1, 2019 through January 31, 2019. The public may submit their comments to:

Scott Neidert, Design Resource Engineer, Traffic Section (Scott.Neidert@state.de.us) or in writing to his attention,
Delaware Department of Transportation
169 Brick Store Landing Road
Smyrna, DE 19977