

DELAWARE SOLID WASTE AUTHORITY
501 Regulations of the Delaware Solid Waste Authority
PUBLIC NOTICE

Pursuant to 7 **Delaware Code**, Sections 6403, 6404, 6406 and other pertinent provisions of 7 **Delaware Code**, Chapter 64; the Delaware Solid Waste Authority ("DSWA") is proposing amendments to the Regulations of the Delaware Solid Waste Authority (the "Regulations") adopted by DSWA Board in March, 2009.

A public hearing will be held Monday, July 25, 2011, at 6:00 p.m. at the Delaware Solid Waste Authority Administrative Office 1128 S. Bradford Street, Dover, Delaware 19903. The hearing is to provide an opportunity for public comment on the proposed amendments. The public record will close at the close of business, August 1, 2011.

The DSWA will receive written comments, suggestions briefs or other written material until the close of business, August 1, 2011. Written comments, suggestions, compilations of data, briefs or other written material shall be submitted to Michael D. Parkowski, Manager of Business Services and Government Relations, Delaware Solid Waste Authority, 1128 South Bradford Street, PO Box 455, Dover, Delaware 19903. Anyone wishing to obtain a copy of the proposed amendments may obtain a copy from the Delaware Solid Waste Authority, 1128 South Bradford Street, PO Box 455, Dover, Delaware 19903, (302) 739-5361.

The proposed amendments will make certain non-substantive changes to the regulations, and will amend current provisions dealing with the extension of credit in payment for the use of DSWA facilities and services.

The proposed amendments to the Regulations are intended to: (i) make non-substantive clarifications to words and phrases used in the text, (ii) clarify the purpose of the sticker to be affixed to vehicles using DSWA facilities in connection with permitting, and (iii) remove provisions respecting the extension of credit, which shall hereafter be addressed through a policy document.

DEPARTMENT OF EDUCATION
PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, July 21, 2011 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF MEDICAID AND MEDICAL ASSISTANCE
Diamond State Health Plan Plus 1115 Demonstration Waiver Amendment
PUBLIC NOTICE

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 Medicaid and Medical Assistance (DMMA) intends to submit an application to the Centers for Medicare and Medicaid Services (CMS) to amend the Diamond State Health Plan (DSHP) Section 1115 demonstration waiver.

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 July 31, 2011.

On July 15, 2011, a draft of the waiver amendment application will be available on the Division of Medicaid and Medical Assistance website <http://dhss.delaware.gov/dhss/dmma/>.

You may also obtain a copy by contacting Lisa Zimmerman at (302) 368-6610 or by e-mail to Lisa.Zimmerman@state.de.us or Beverly Weigand at (302) 255-9500 or by e-mail to Beverly.Weigand@state.de.us.

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
State Residency
PUBLIC NOTICE

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) is amending the Division of Social Services Manual regarding State Residency.

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) 255-4454 by July 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.

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
Gaming Control Board
101 Regulations Governing Bingo
PUBLIC NOTICE

The Delaware Gaming Board will seek public comments on the issue of whether its current Rule 1.0 in 10 **DE Admin. Code** 101 should be amended. The rule relates to the definition of "cookie jar bingo" and to the manner of playing cookie jar bingo games. The Board proposes to make it clear that the fees collected for cookie jar bingo must be added to the jar before the first number is drawn, and if the added money makes the jar reach its maximum amount, that jar must be awarded at that night's event. In addition, the group conducting the event must announce the value of the cookie jar before play commences.

Persons wishing to present their views regarding this matter may do so by appearing at a public hearing on Thursday, August 4, 2011 at the meeting of the Delaware Gaming Control Board, 861 Silver Lake Boulevard, Cannon Building, Suite 203, Dover, DE 19904. Persons may also submit written comments by the close of business on or before July 31, 2011 at the same address. A copy of these regulations is available from the above address or may be viewed at the Division of Professional Regulation business office at the same address.

This regulation will make it clear that fees collected for a cookie jar bingo game must be added to the jar before the first number is drawn. If this added amount makes the jar reach its maximum value, the jar must be awarded during that night's event. In addition, the group conducting the bingo event must announce the value of the cookie jar, up to a maximum of \$1,000, before play commences.

DIVISION OF PROFESSIONAL REGULATION
Gaming Control Board
102 Regulations Governing Raffles
PUBLIC NOTICE

The Delaware Gaming Board will seek public comments on the issue of whether its current introduction to 10 **DE Admin. Code** 102 should be amended. The introduction relates to the applicability of the regulations to raffles. The Board proposes to change the introduction to state that only raffles in which the ticket price is more than \$5.00 for a single drawing and more than \$15.00 for a series of drawings are covered by the regulations, rather than the current requirement that tickets costing \$5.00 or more for a single drawing or \$15.00 or more for a series of drawings are covered.

Persons wishing to present their views regarding this matter may do so at a public hearing to be held on Thursday, August 4, 2011 at a meeting of the Delaware Gaming Control Board, 861 Silver Lake Boulevard, Cannon Building, Suite 203, Dover, DE 19904. Persons may also submit responses in writing by the close of business on or before July 31 at the same address. A copy of these regulations is available from the above address or may be viewed at the Division of Professional Regulation business office at the same address.

Currently, the introduction to 10 **DE Admin. Code** 102 provides that the following regulations apply to raffles conducted under Title 28 of the Delaware Code in which the value of prizes is \$5,000 or more and the price of raffle tickets is \$5.00 or more for a single drawing and \$15.00 or more for a series of drawings. The Board proposes to change this section to state that only raffle tickets costing more than \$5.00 for a single drawing and more than \$15.00 for a series of drawings are covered by the regulations.

DIVISION OF PROFESSIONAL REGULATION
RESPIRATORY CARE ADVISORY COUNCIL OF THE DELAWARE BOARD OF MEDICAL LICENSURE AND DISCIPLINE
1770 Respiratory Care Practice Advisory Council
PUBLIC NOTICE

The Respiratory Care Advisory Council of the Delaware Board of Medical Licensure and Discipline ("Council") in accordance with 24 **Del.C.** §1775(c) is proposing changes to Regulation 12.0 regarding the unlicensed practice of

respiratory care. The rule as currently drafted only addresses unlicensed practice by home equipment personnel. The changes clarify that no unlicensed personnel may perform clinical assessments or provide patient care during the course of performing their job duties.

A public hearing will be held on August 10, 2011 at 3:00 p.m. in the second floor conference room B of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware where members of the public may offer comments. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Respiratory Care Advisory Council, 861 Silver Lake Blvd, Cannon Building, Suite 203, Dover DE 19904. Persons wishing to submit written comments may forward the written comments to the Council at the above address. The final date to receive written comments will be at the public hearing.

Pursuant to 24 **Del.C.** §1775(c) the Council will consider forwarding the proposed regulations to the Board of Medical Licensure and Discipline for final approval following the public hearing.

DIVISION OF PROFESSIONAL REGULATION
Delaware Board of Nursing
PUBLIC NOTICE

The Delaware Board of Nursing, pursuant to 24 **Del.C.** §1904(c), proposes to revise Sections 1.0, 2.0, 3.0, 4.0, 6.0, 7.0, 9.0, 10.0 and 14.0. The proposed revisions to this regulation are an attempt to better organize the regulation, come into compliance with statutory changes that have occurred since the regulation was enacted, and remove confusing out-dated language.

The Board will hold a public hearing on the proposed regulation change on August 10, 2011 at 01:00 p.m., Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Dr. Pamela Zickafoose, Executive Director of the Delaware Board of Nursing, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904.

DIVISION OF PROFESSIONAL REGULATION
3700 Board of Speech/Language Pathologists, Audiologists and Hearing Aid Dispensers
PUBLIC NOTICE

Pursuant to 24 **Del.C.** §3706(a)(1), the Board of Speech/Language Pathologists, Audiologists and Hearing Aid Dispensers has proposed revisions to its rules and regulations.

A public hearing will be held on August 16, 2011 at 2:15 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 Board of Speech/Language Pathologists, Audiologists and Hearing Aid Dispensers, 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 revisions to Rule 11.0, which sets forth the list of crimes substantially related to the practice of speech/language pathology, audiology and hearing aid dispensing. Where an applicant has been convicted of a crime on the list, that conviction may impact whether the application is approved by the Board. Further, where a licensee has been convicted of a crime on the list, that conviction may lead to disciplinary proceedings. The proposed amendments expand the list of substantially related crimes to provide greater protection to the public.

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

DEPARTMENT OF TRANSPORTATION
DIVISION OF MOTOR VEHICLES
2287 Public Carrier Regulations
PUBLIC NOTICE

The Division of Motor Vehicles of the Department of Transportation is proposing several changes to the current Public Carrier Regulations, relating to several distinct matters.

The first proposed change relates to the existing regulations requiring that the name of the lessee operating a taxi be displayed on every vehicle by painting or permanently affixing this information to the vehicle. When a split-lease is executed or a vehicle is substituted while it is being serviced, the respective name of the lessee is not affixed to the vehicle as required.

This proposed change is in response to several members of the industry that have made a request that a temporary magnetic sign be allowed to post the name of the lessee each time a change is made.

The second proposed change relates to the existing regulations requiring a unique DeIDOT number to be assigned to all charter buses, medical transports, and taxis.

The third proposed change relates to the definition of ambulances that the Division believes should be exempt from the Public Carrier regulation, as these vehicles are already regulated by another state agency.

The Department will take written comments on the proposed Amendment to its Standards and Regulations for Public Carriers from July 1, 2011 through July 31, 2011. The proposed Regulations appear below.

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

Russell D. Holleger
Chief of Transportation Services
DeIDOT DMV Transportation Services
Phone (302) 744-2729
Cell Phone (302) 632-8497
Fax (302) 739-2143
Email: russelld.holleger@state.de.us

DIVISION OF PLANNING AND POLICY
2309 Standards and Regulations for Subdivision Streets and State Highway Access
PUBLIC NOTICE

The Delaware Department of Transportation, through its Division of Planning, seeks to adopt amendments to its existing regulations regarding subdivision streets and state highway access, with respect to provisions concerning Traffic Signal Agreements and the process of funding the work needed to install such signals.

As detailed in the current Manual, the Department has broad statutory authority to regulate the process of determining whether and under what conditions property developers may gain access to the state highway system. These authorities include Sections 131, 141, 146, 507, and 508 of Title 17, Delaware Code; Chapter 41 of Title 21, Delaware Code; Section 6103 of Title 29, Delaware Code; and certain provisions in Title 9 of the Delaware Code.

One aspect of this regulatory process involves traffic signal agreements, required to establish the conditions under which such signals will be installed. The current process calls for the funds derived from these agreements to cover the cost for the installation of traffic signals associated with new developments, at such time as the signals are warranted under the Department's standards. However, this process can be onerous for developers, because it presents them with unknown costs that may be outstanding for undetermined periods of time. Further, where applied to residential subdivision entrances, the agreements often remain outstanding after the developer has completed the project, in which case it can be difficult for the Department to collect on them.

The proposed regulation would create a Traffic Signal Revolving Fund to address these concerns and provides a regulatory funding method that is more consistent, predictable and fair than the current arrangement.

The Department will take written comments on the proposed Regulations Establishing Policies and Procedures for Acquisition of Certain Real Property Interests from July 1, 2011 through July 31, 2011. The proposed Regulations appear below.

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

Cleon L. Cauley, Sr., Deputy Secretary
Delaware Department of Transportation
P.O. Box 778
Dover, DE 19903
(302) 760-2303 (telephone)
(302) 739-2895 (fax)
cleon.cauley@state.de.us
15 DE Reg. 112 (07/01/11)